

TO: Administrator Pruitt
FROM: OCIR, OPA
CC: Ryan Jackson
RE: WOTUS Travel July 17-20
DATE: July 26-28, 2017
LOCATION: Tulsa, Hooker/Guymon, Oklahoma City

July 26, 2017- Tulsa, OK

Weather: Mostly Sunny, High 99° Low 81°

Attire:

Notable: AG Hunter signed letter of 20 AGs to comment on WOTUS. The EPA received another WOTUS comment letter jointly authored by the OK Secretary of Energy and Environment, OK Secretary and Commissioner of Agriculture, and the OK Secretary of Transportation.

2:30 PM Tour of Phillips 66 Research and Development Center

POC: Jeff Reamy [**Ex. 6**] [HYPERLINK "mailto:Jeffrey.M.Reamy@p66.com"]

5:00PM Tulsa Round Table with Chamber of Commerce

July 26th	Tulsa, OK
8:25AM EST- 10:11 EST	FLY: DCA-ATL #1139
11:31AM - 1:30PM CST	FLY: ATL-TUL #2954 <i>Drive time:</i> 10 mins, 4.6 miles
2:30PM- 4:00PM	Phillips 66 Research and Development Center Tour POC: Jeff Reamy [Ex. 6] <i>Driver time:</i> 11 mins, 5.3 miles
5:00PM-6:00PM	Tulsa Round Table: Chamber of Commerce Topic: Location: 1 W 3rd St, Tulsa, OK 74103
RON:	Tulsa, OK

July 27, 2017- Hooker, OK

Weather: Partly Sunny with an afternoon thunderstorm, High 83° Low 67°

Attire:

WOTUS Event in Hooker/ Guymon, OK at Hitch Enterprises, Inc.

Hosts: Chris Hitch (brother and co-owner), Mike Brandherm, Vice-President of Hitch Pork Producers, Inc., Brad Lyle, CFO of Hitch Enterprises, Inc.

POC: Jason Hitch, Co-CEO, Ex. 6

TCFA staff: Ben Weinheimer, Vice-President

Attendees: Tom McDonald, JBS/Five Rivers Cattle, Head of Environmental operations, Scott Anderson, Manager of CRI feedyard in Texas County, Kim Peterson, *Mayor* of Guymon, owner of Hunny's BBQ, Bill Roser, Manager of Xcel Feedyard, Cattlemen, other feedlot operators

July 27th	Guymon, OK
8:00AM – 8:30AM	Interview w/ Pat Campbell Station: Topic:
8:30AM-9:30AM	Breakfast
9:30AM-10:00AM	Fly to Hooker
11:30AM-1:00PM	Hitch Enterprises, Inc. WOTUS Visit
4:30PM-5:00PM	Interview w/ Oklahoman Host: Topic:
RON:	Hooker, OH

July 28, 2017- Oklahoma City, OK

Weather: Mostly Cloudy w/ afternoon t-storms, High 92° Low 71°

Attire:

Meeting with Gov. Fallin and stakeholders

Who:

Oklahoma Association of Electric Coops	Oklahoma Wheat Growers
Oklahoma Rural Water Association	Oklahoma Pork Council
Oklahoma Farm Bureau	Oklahoma Cattlemen's Association
American Farmers and Ranchers	Oklahoma Conservation Commission
The Poultry Federation	Oklahoma State University
Farm Credit Association of Oklahoma	OK State Chamber
National Livestock	Noble Research Institute
OK Ag Coop Council	Oklahoma FFA
Oklahoma Agribusiness Retailers	Oklahoma 4-H
Oklahoma Cotton Council	

July 28th	Oklahoma City, OK
11:30AM – 12:15PM	Meeting w/ Gov. Fallin 820 NE 23 rd St
12:15PM-12:30PM	Depart for Lunch
12:30PM-3:00PM	Lunch in OKC, Café Kacao 3325 N. Classen Blvd. OKC
RON:	??

Message

From: Letendre, Daisy [letendre.daisy@epa.gov]
Sent: 8/1/2017 1:04:57 PM
To: Bennett, Tate [Bennett.Tate@epa.gov]
Subject: RE: Run of Show and add'l docs
Attachments: indiana and colorado - bckgrnd and tps.docx

Thank you – Lincoln is reviewing the attached and putting together more talking point-esque talking points

From: Bennett, Tate
Sent: Monday, July 31, 2017 8:16 PM
To: Letendre, Daisy <letendre.daisy@epa.gov>
Subject: Fwd: Run of Show and add'l docs

Sent from my iPhone

Begin forwarded message:

From: "Curtsinger, Rick (CPE)" <Rick.Curtsinger@cldpk.com>
To: "Bennett, Tate" <Bennett.Tate@epa.gov>
Cc: "Reavey, Richard P. (CPE)" <Richard.Reavey@cldpk.com>
Subject: Run of Show and add'l docs

Tate- Thanks again for your time today. I'm cc'ing Richard Reavey, CPE's Vice President for Public Affairs, who will be point for this with me being away.

Attached is a proposed run of show along with a list of regulatory policies impacting coal producers and the letter Colin Marshall, Cloud Peak Energy's President and CEO, sent to the Administration regarding the Paris agreement. I've pulled a few sections out of that letter for your review below:

"As you know, after eight years of concerted efforts to destroy our businesses, communities, and way of life, the U.S. coal industry is in poor shape. Actions taken by you, and by Congress, have already improved the outlook for coal producers by stopping several pending regulations and reversing regulations and executive orders that were making it increasingly difficult to run our mines. However, we still need your help. Critically, I am not aware of any utilities who have announced they are changing their existing coal plant closure plans since your election. After nearly a decade of being punished on a near daily basis for generating reliable, affordable energy from domestic coal, U.S. utilities are demoralized and avoiding investment in, maintaining, or improving their existing coal fleets, let alone considering building new plants. As the existing coal fleet is retired, so too will the mines that supply them and the jobs that they support, with devastating impacts on the communities that depend on them. To change that path requires utilities be given the regulatory certainty needed to make long-term investment decisions, and the financial incentives to make investments in coal and coal technology that will help maintain low cost reliable energy that supports so much of the U.S. economy. On the domestic front, this will require action by Congress to provide long-term certainty so it cannot be undone by any future administration."

"Create domestic regulatory predictability that allows long-term investment in coal technology so that coal is part of a long-term energy future that ensures prosperity while addressing Americans' concerns about CO2 and climate. We believe this is best achieved by amendments to the Clean Air Act that set meaningful, long-term reductions in CO2 emissions triggered by a technology standard that realistically

determines when emissions reduction technologies are viable and commercially deployable. Accompanying such legislation must be an Energy Bill that creates the tools and incentives to achieve technology development and those emissions reductions, tools such as:

- Amendment and expansion of the 45Q Tax Credit for carbon capture and Enhanced Oil Recovery;
- Creation of Private Activity Bonds that will help markets finance technology innovation and deployment
- Extending the tax and equity benefits of Master Limited Partnerships to carbon capture projects
- Authorizing the Department of Energy to engage in Price Stabilization Contracts that diminish the volatility impact of oil price fluctuation on carbon capture projects built around Enhanced Oil Recovery
- Ensuring robust funding for Department of Energy Research and Development projects aimed at creating and making commercially available the technology that will allow the capture, use and sequestration of carbon from coal and natural gas powered energy production and manufacturing.”

Let us know what else we can do to help.

All the best-

Rick

Rick Curtsinger
Director Public Affairs
Cloud Peak Energy Resources LLC
385 Interlocken Crescent, Suite 400 | Broomfield | CO 80021
Tel: 720.566.2948; Mob: 720.256.7781 | Rick.Curtsinger@cldpk.com



www.cloudpeakenergy.com

CONFIDENTIALITY NOTICE: This message is confidential and may be privileged. If you believe this email has been sent to you in error, please reply to sender that you received message in error; then please delete. Thank you.

Indiana/Colorado Background

WOTUS

- On July, step 1 of the WOTUS rescind published in the federal register. The comment period closes August 19. We've received several petitions to extend this deadline but have not replied to any yet.
- On June 27, EPA with Department of the Army and Army Corps of Engineers proposed a rule to rescind the 2015 WOTUS rule and re-codify the regulatory text that existed prior and reinstate the status quo
- This was step one of a two-step process
 - The next step is a rulemaking to revise the definition of Waters of the U.S. and the agencies have also begun deliberations and outreach on the second step rulemaking involving a re-evaluation and revision of the definition of "waters of the United States"
 - Both of these actions are in accordance with President Trump's EO
- Reviewing the WOTUS rule is a top priority of the administration
 - In 2015 the Obama Administration reinterpreted what is considered a "navigable water" under the Clean Water Act (CWA)
 - the definition was expanded so broadly that it included waters like drainage ditches, puddles, wetlands, water features on golf courses and runoff.
 - The 2015 rule created so much regulatory uncertainty that more than half the states (27) challenged EPA in court on the basis that the rule violated the Constitution, the Clean Water Act and the Administrative Procedure Act
 - The 2015 WOTUS definition would have had adverse economic impacts in many small and rural communities
 - Cost and burden to obtaining permits build fences, spray fertilizer, dig ditches, etc
- As written, the Clean Water Act does not define what "Waters of the U.S." means, EPA and the Department of the Army do
- While the Obama Administration had the ability to redefine WOTUS, they went too far and ultimately the courts found the definition to be on legally questionable ground.
 - The 2015 rule was stayed by 6th Circuit Court of Appeals as a result
- EPA and the Administration are committed to keeping waters pollution free, promoting economic growth and minimizing regulatory uncertainty for Congress, state, local and tribal government as well as farmers, ranchers and property owners.

Dicamba

- Dicamba is a selective herbicide. It is used on a wide variety of agricultural crops as well as non-crop sites, such as rangelands, golf courses, and residential areas. It is a synthetic auxin, which mimics hormones found naturally in the plants, and controls many broadleaf weeds and woody plants.
- The DT trait in soybean and cotton allows new dicamba formulations to be applied substantially later in the growing season without causing damage to the crop. The most common new products (lower volatility) used today are known as Xtend, VaporGrip, and Engenia. All were registered in late 2016 and early 2017.
 - The new registrations are set to automatically expire two years after issuance (November 9, 2018) unless EPA determines before that date that off-site incidents are not occurring at unacceptable frequencies or levels.
- Reports of off-target crop damage began June 13, 2017. We're trying to determine if Dicamba is the true cause of these incidents.
- Initial reports came from Arkansas, Missouri, Mississippi, and Tennessee, but recent reports have been expanding into more northern states (Iowa, Nebraska, and Kansas) as growing/use season proceeds.
 - So far, 157 reports have come in for Missouri, and well over 600 for Arkansas.
- In Missouri alone, damage has so far been reported on nearly 64,000 acres of soybeans, as well as on tomatoes, melons, grapes, peaches, pumpkins, organic crops, and residential gardens/ornamentals.
- Arkansas has banned Dicamba for the rest of the season using emergency rule authority
- Missouri, used FIFRA stop sale authority to ban Dicamba, but is now working with EPA to bring use back, with restrictions under FIFRA 24(c) authority.
- Tennessee has used emergency rule authority to restrict Dicamba uses

- Kansas issued a press release telling growers to exercise caution, but does not intend to ban use.
- Under section 24 of FIFRA, states may regulate pesticides more stringently than EPA provided that the states do not impose labeling or packaging requirements.
- Under FIFRA, any changes to the allowable conditions of use of a pesticide must generally be done through amending or canceling the relevant registrations
- Dialogue is continuing between the states and EPA and registrants and we are evaluating the appropriate course of action for each state and determining if federal action is needed.
- OICA did a compliance advisory reiterating the label rules for Dicamba

East Chicago

- The remediation of lead from the yards in Zones 2 and 3 continues. We will complete as many yards as possible during the construction season. The final yard remediation will be completed in 2018.
- Zone 1 is the site of the low income housing units as well as the Carrie Gosush School. While we began the remediation in Zone 1 by first working on the interior of the housing complex, the mayor of East Chicago then decided to close the housing complex.
 - It was a great disservice to the residents as they were mandatorily disbursed all over many different areas. EPA would have had the entire Zone 1 remediated by now had we not been deterred by the Mayor's action.
 - Now the East Chicago Housing Authority has decided to raze the entire complex. This will complicate matters even further.
 - EPA will not be able to remediate Zone 1 until the demolition is finished and will also have to monitor all of the tearing down and hauling away of the housing complex material. It is an unnecessary additional burden for East Chicago.
- EPA also received a petition from many concerned citizen groups asking EPA to invoke our authority under the Safe Drinking Water Act to basically take a number of steps to provide drinking water enhancement to the citizens.
 - This is the primary responsibility of the state. Our investigation reflects that the state has basically done everything that we were asked to do.
 - We have decided to hold the request in abeyance and are notifying the petitioners basically that their request is made moot but that we will continue to monitor.
- An additional issue on which we are engaged is the disposal of dredging material containing PCBs in a Corps of Engineers Confined Disposal Facility (CDF) in East Chicago.
- The Corps has been dredging the river for some time. In around 2012 a CDF was established on 162 acres of an old refinery site in East Chicago.
 - This was at one time a welcome thing – the CDF is quite elaborate in its set up and monitoring. It has been used continuously since being established.
 - Now, the Corps wants to place dredged material containing PCBs with concentrations of more than 50 ppm in the CDF. To do so, they must have our approval and the state's approval. This application has created a furor. I have instructed Region 7 not to approve the application. The state agrees and believes they have an alternative that will work. The wrong thing about this is that in my simple opinion the Corps is really entitled to the granting of the application. Seemingly they have done everything correctly. This is still a work in progress.
- On August 7, the Governor and Secretary Carson are touring the site. I am trying to be in attendance as well as I think we will receive blame if we are not there.

Superfund

- Administrator Pruitt introduced the Superfund Task Force Report on July 25.
- Immediately thirteen directives were given by the Administrator to be immediately implemented.
- Additionally, we are charged with execution thereof.
- On August 1, EPA will hold a meeting of the captains and the recommendation lead personnel. That will be our embarkation point for the execution of the remaining recommendations.

Gold King

- The previous administration failed those who suffered losses as a result of the Gold King Mine release. A new review is paramount to ensure that those who have in fact suffered losses have a fair opportunity to receive assistance.
- When I was appointed Administrator, I committed to review a decision by the previous administration regarding the Gold King Mine incident that left so many impacted people without any support or help from the federal government.
- In January 2017, EPA denied 79 administrative claims filed by farmers, ranchers, homeowners, businesses, employees, state and local governments, as well as other individuals seeking damages in connection with the Gold King Mine release.
- In February 2017, the State of Utah filed an administrative claim seeking \$1.9 billion. Utah's claim is still pending, as are all administrative claims that have been filed after Utah's.
- On July 5, 2017, EPA mailed letters to all claimants whose administrative claims had been denied (except for New Mexico and the Navajo Nation), notifying them that the Agency was reconsidering their claims and requesting that they submit additional documentation. We have begun receiving additional documentation and questions from some claimants. In addition, a number of the letters were returned as undeliverable.
- On July 6, 2017, EPA received 59 new administrative tort claims from the law firm Hueston Hennigan filed on behalf of individual members of the Navajo Nation. (Hueston Hennigan is also representing the Navajo Nation as a whole in the district court litigation.) In addition, the firm submitted three requests for reconsideration on behalf of claimants who were not previously represented and whose administrative claims had been denied.
- There are currently 69 administrative tort claims pending that have not received an initial determination, including Utah's. An additional 77 administrative tort claims are under reconsideration. (That number includes some claimants who filed lawsuits around the same time of the reconsideration, and we are uncertain whether those claims may still be reconsidered given the timing of the filing of the suits.)
- **Looking ahead:**
 - EPA has six months (until December) to act on claims under reconsideration. If EPA does not act on a claim, it may be deemed "constructively denied" and the claimant may choose to file suit. (Note that DOJ has not conceded that the *sua sponte* reconsideration was legally valid.)
 - In general, the statute of limitations to file administrative tort claims with the Agency runs on **August 5, 2017**.

CCR

- The CCR rule is estimated to cost power plants between \$500 and \$745 million/year
- We've developed draft guidance for the states on CCR that is currently under OMB review.
- Most of the CCR rule's compliance deadlines have already gone into effect, but the ones that have not (including groundwater monitoring) are pretty significant and I understand why you want to change them.
- I appreciate the concern that you don't want companies making investment decisions to prematurely close power plants if that can be avoided before state permit programs get up and running.
- I agree that regulation of coal ash is best left up to the states. We have been encouraging states not wait for EPA to finalize guidance and to work with us now to get the approval process underway.
- EPA is already working on a proposed rule to be released for comment this fall that would fix a number of the problems that have been identified with the rule. Changing the CCR rule, including the compliance deadlines, would need to meet the statutory requirements and go through notice and comment rulemaking.
- We are carefully reviewing our authority to extend the deadlines and want to make sure any changes to the CCR rule are durable and not going to be struck down by the court, which could put power plants and states in an even worse off place.

Message

From: Bolen, Brittany [bolen.brittany@epa.gov]
Sent: 6/15/2017 12:47:23 PM
To: Bennett, Tate [Bennett.Tate@epa.gov]
Subject: Fwd: Updates to the Administrator's binder
Attachments: Accomplishments - 6.5.2017.docx; ATT00001.htm; SIP FIP Metrics-BB.docx; ATT00002.htm

Updated accomplishments attached.

Sent from my iPhone

Begin forwarded message:

From: "Bolen, Brittany" <bolen.brittany@epa.gov>
Date: June 5, 2017 at 7:58:31 PM EDT
To: "Greaves, Holly" <greaves.holly@epa.gov>, "Gunasekara, Mandy" <Gunasekara.Mandy@epa.gov>, "Dravis, Samantha" <dravis.samantha@epa.gov>, "Greenwalt, Sarah" <greenwalt.sarah@epa.gov>, "Beck, Nancy" <beck.nancy@epa.gov>, "Brown, Byron" <brown.byron@epa.gov>, "Bowman, Liz" <Bowman.Liz@epa.gov>, "Lyons, Troy" <lyons.troy@epa.gov>
Cc: "Jackson, Ryan" <jackson.ryan@epa.gov>
Subject: RE: Updates to the Administrator's binder

Holly – attached is an updated accomplishments handout. I also edited and added some info to the SIP/FIP one-pager. Let me know if you need anything else!

From: Greaves, Holly
Sent: Monday, June 5, 2017 4:13 PM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE: Updates to the Administrator's binder

Mandy,

Thanks - I've shortened the SIP/FIP metrics OAR provided Mandy to a one-page fact sheet. Please see attached and let me know what you think, as well as an appropriate talking point.

Thanks,
Holly

From: Gunasekara, Mandy
Sent: Monday, June 5, 2017 1:00 PM
To: Greaves, Holly <greaves.holly@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>

Cc: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE: Updates to the Administrator's binder

Attached is some info on SIP/FIP metrics OAR has provided. We can glean from that what is useful.

From: Greaves, Holly
Sent: Monday, June 5, 2017 12:30 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Updates to the Administrator's binder

Ryan has asked that the updates discussed in today's budget prep be available for the Administrator before he leaves.

Can you please provide me edits discussed/requested for his briefing book by COB today? Items I noted include the following list; if there are others I have forgotten to include please let me know.

1. <!--[if !supportLists]--><!--[endif]-->Sarah - permitting in OW
2. <!--[if !supportLists]--><!--[endif]-->Mandy/Brittany – factsheet on SIP backlog
3. <!--[if !supportLists]--><!--[endif]-->Mandy – fact sheet that explores solutions for achieving attainment and what we are doing to help states meet standards
4. <!--[if !supportLists]--><!--[endif]-->Nancy – 1) top ten for TSCA; 2) IRIS 3) Flame Retardants
5. <!--[if !supportLists]--><!--[endif]-->Sam/Brittany – Updates to accomplishments
6. <!--[if !supportLists]--><!--[endif]-->Troy – Q&As

Thanks,
Holly

EPA IN ACTION: ACCOMPLISHMENTS WITH PRUITT'S LEADERSHIP

Updated June 5, 2017

FIRST 100 DAYS:

- Since being sworn in, I have spearheaded nearly two dozen significant regulatory reform actions and have taken meaningful steps to restore our relationship with state and local partners in the name of cooperative federalism.
- I am implementing President Trump's executive orders to protect the environment, save manufacturing jobs, streamline our permitting processes, and promote American energy independence.

TOP JOB NUMBERS:

- Jobs: Over 1.4 million jobs threatened by the actions of the Obama administration.
- Overall Regulatory Impact: \$204 billion from the Obama EPA's regulatory actions.
- CAFE standards: 1.1 million jobs
- Clean Power Plan: 400,000 jobs threatened.
- ELG Rule: 100 jobs saved at a chemical processing plant in Florida.

EXAMPLES:

- **ELG** – Costs about \$480 million annually, \$1.2 billion per year in the first five years.
- **Hard Rock Mining** – Could cost American businesses \$171 million annually.
- **CCR rule** – Costs power plants between \$500 and \$745 million – per year.
- **CAFE** – \$200 billion by 2025 to comply.
- **WOTUS** – Between \$600 million and \$1.2 billion.
- **Methane ICR** – Compliance costs exceeding \$37 million.
- **RMP Rule** – Costs about \$131.8 million annually, \$1.3 billion over ten years.

DETAILS on KEY REGULATORY REFORM ACTIONS:

- ✓ **TSCA Implementation:** Clearing the backlog of new chemicals that were waiting for approval from EPA, so they can go to market, and companies can create jobs and continue to innovate. We also are on track to meet the deadlines outlined in the Lautenberg Chemical Safety Act. Our significant rules on prioritizing chemicals that need to be reviewed for safety as well as a companion final rule that establishes the Agency's TSCA Risk Evaluation Process are currently under OMB review.
- ✓ **WOTUS:** EPA is restoring states' important role in the regulation of water by reviewing the "Waters of the U.S." or WOTUS. A rule with a regulatory impact analysis of between \$600 million and \$1.2 billion. Our draft to rescind the WOTUS rule is currently under OMB review.
- ✓ **CPP:** Launched a review of the so-called Clean Power Plan that threatens over 125,000 U.S. jobs. Our draft to rescind the CPP is currently under OMB review.
- ✓ **Oil and Gas Methane NSPS:** EPA announced a decision to reconsider the Oil and Gas Methane New Source Performance Standards for new and modified sources, delaying a costly compliance requirement. We issued a 90-day administrative stay on the rule's

compliance deadlines June 2nd. Our proposed long-term stay of the rule is currently under OMB review.

- ✓ **ELG Rule:** EPA announced a decision to reconsider the effluent limitations guidelines and standards for the steam electric power generating category under the Clean Water Act (ELG Rule), which costs an estimated \$480 million annually, and about \$1.2 billion per year in the first five years of compliance. We issued a 90-day administrative stay on the rule's compliance. Our proposed long-term stay of the rule has been published in the Federal Register and is currently open for public comment.
- ✓ **Coal Combustion Residuals (CCR Rule):** CCR rule is estimated to cost power plants between \$500 and \$745 million – per year. We developed draft guidance for the states on the CCR rule that is currently under OMB review.
- ✓ **Landfill Methane Rules:** EPA announced a decision to review the New Source Performance Standards and Emission Guidelines for Landfills. On May 5, EPA convened a proceeding for reconsideration of the rules and issued a 90-day stay of the effectiveness of these rules. Our proposed long-term stay of the rules is currently under OMB review.
- ✓ **Methane ICR:** We rescinded the overly burdensome, unnecessary information collection request to more than 15,000 owners and operators in the oil and gas industry. This rescission saved an estimated \$37 million.
- ✓ **CAFE Standards:** EPA rescinded an unjustified, premature evaluation of greenhouse gas and fuel economy standards for model year 2022-2025 vehicles, and is working with DOT to conduct a collaborative and robust review of the standards. According to the Auto Alliance, “no agency has ever set emission limits so far into the future,” and the previous administration’s determination would have put 1.1 million jobs at risk and cost the industry \$200 billion by 2025.
- ✓ **New Source Performance Standards for EGUs:** Reviewing the New Source Performance Standards for coal-fired power plants, which prevents companies from building new plants.
- ✓ **GHG Federal Plan/Trading Rules for EGUs:** On March 28, EPA signed a notice withdrawing these proposed rules.
- ✓ **Ozone Standard:** Requested delay of oral arguments on the ozone standard.
- ✓ **Hard Rock Mining:** EPA extended the comment period on the Hard Rock Mining proposed rule that could cost American businesses \$171 million annually.
- ✓ **Energy Independence EO:** Following the President’s Energy Independence Executive Order, Administrator Pruitt signed four notices to review and, if appropriate, to revise or rescind major, economically significant, burdensome rules the last Administration issued. Per the EO, EPA submitted a draft regulatory review plan to OMB on May 12. We are on schedule to provide OMB a draft report due in July.
- ✓ **Flint, Michigan:** The Agency is allocating funds for vital environmental projects that go directly to the health of our citizens, such as providing \$100 million to upgrade drinking water infrastructure in Flint, Michigan.
- ✓ **Chlorpyrifos:** EPA denied a petition from the NRDC and the Pesticide Action Network North America, which was seeking a ban on a pesticides used on 40,000 farms and 50 different crops because there was never enough science to justify the ban.
- ✓ **Certified Pesticide Applicators Rule:** EPA extended the effectiveness of this rule and initiated a review.

- ✓ **Formaldehyde Emission Standards for Composite Wood Products:** EPA extended the compliance deadlines and a direct final rule to address key issues with the rule.
- ✓ **Regulatory Reform:** Launched the EPA Regulatory Reform Task Force to undergo extensive reviews of the misaligned regulatory actions from the past administration, and opened a public comment period to get public feedback on opportunities to rescind or revise existing regulations. Per the President's Executive Order 13771, EPA's Task Force also delivered a 90-day progress report to the Administrator on May 25.
- ✓ **Risk Management Rule (RMP Rule):** EPA estimates the RMP rule to cost \$131.8 million annually, or \$1.3 billion over ten years. EPA delayed the RMP rule to make sure that any additional regulations actually make chemical facilities safer, without duplicating regulations or opening our country up to dangerous national security threats.
- ✓ **Superfund Sites:** We are getting real results at cleaning up Superfund sites, including: East Chicago (IN), West Oakland (CA) and Pompton Lake (NJ). First EPA Administrator to visit East Chicago site.
- ✓ **Superfund Plan:** We announced new plans to get better results at Superfunds, including a new task force and a new authority for the Administrator to decide remedies that cost over \$50 million.
- ✓ **Water Infrastructure:** Opened the application process for EPA's WIFIA program; a low-risk loan for businesses that will provide \$1 billion in credit to finance over \$2 billion in water infrastructure investments.
- ✓ **Meetings with National/International Leaders:** EPA Administrator Scott Pruitt has consulted 22 bipartisan governors, 25 bipartisan members of congress, three foreign leaders, four state agriculture departments, and over a dozen bipartisan organizations.
- ✓ **EPA Originalism:** EPA Administrator Pruitt launched a "Back-to-Basics" Agenda, touring a Pennsylvania coal mine, a Missouri power plant, and visiting a contaminated "Superfund" site in E. Chicago, to discuss how EPA is refocusing the agency on its core mission of protecting the environment through sensible regulations developed in cooperation with state, local and tribal partners.
- ✓ **MATS Rule:** DoJ has obtained abeyance of a challenge to the rule to allow time for policy review. Given the broad-reaching economic implications of the Mercury and Air Toxics Rule (MATS rule), we are reviewing the costs of the rule to determine whether it complies with our statutory mandate, abides by sound regulatory principles, and is in line with the pro-jobs, pro-growth directives of this Administration.
- ✓ **Clean Air Act/SSM SIP:** Asked the court to postpone oral arguments over an Obama-era rule making 36 states rework their Clean Air Act compliance plans.
- ✓ **Pebble Mine:** Entered into a settlement agreement with the Pebble Limited Partnership to resolve litigation from 2014 relating to EPA's prior work in the Bristol Bay watershed in Alaska. This will provide Pebble a fair process for their permit application and help steer EPA away from costly and time-consuming litigation.
- ✓ **Presidential Directive on Permit Streamlining and Reducing Regulatory Burdens for Domestic Manufacturers:** Per this Presidential memorandum, EPA submitted to the Department of Commerce a detailed account of the Agency's permitting programs and identified opportunities for reducing regulatory burdens on domestic manufacturers. EPA is currently working with the Department of Commerce to finalize its report to the President.

Message

From: Barbery, Andrea [Barbery.Andrea@epa.gov]
Sent: 4/4/2017 2:13:08 PM
To: Bennett, Tate [Bennett.Tate@epa.gov]
Subject: FW: ECOS materials for Ryan & Byron (please use this version)
Attachments: Closed Session Agenda_4-7-17.pdf; Attendee List - ECOS 2017 Spring Mtg - as of March 23.xlsx; ECOS 3-21-17 Q&A - updated 4-3-17.docx; Briefing Memo_ECOS 2017 Spring Mtg - Closed Session_4-7-17.docx

FYI -- Here is what I sent up to Robin for Ryan. And possibly Byron?

Thanks,
Andrea B
202-564-1397

From: Barbery, Andrea
Sent: Monday, April 03, 2017 12:19 PM
To: Richardson, RobinH <Richardson.RobinH@epa.gov>
Cc: Osinski, Michael <Osinski.Michael@epa.gov>; Cheatham-Strickland, Latonia <Cheatham-Strickland.Latonia@epa.gov>
Subject: ECOS materials for Ryan & Byron (please use this version)

Hi Robin,

Really sorry...I think my brain is still catching up with me after the weekend.

Attached are the meeting materials for Ryan & Bryon for the closed session:

- 1) Final agenda – sent to ECOS members on Friday
- 2) Briefing memo for Ryan
- 3) Attendee list as of March 23 (an updated version of this list is expected to come out soon)
- 4) Qs&As prepared for the Administrator for the March All-Member call

Thanks,
Andrea
202-564-1397

ECOS Questions for Administrator Pruitt

For ECOS All-Commissioner Call

March 21, 2017 3-3:30 PM

General Priorities:

1. What do you see as your top 3 priorities in the next 6 months?
2. Can you share with us any information on plans/timing for appointment of Regional Administrators or nomination of key positions like Assistant Administrators?

Budget:

OCFO Response (POC: Carol Terris, 564-0533):

- The budget released in March is the 'blueprint' and provides very little specific information. EPA will not be able to provide additional detail on the budget until the Congressional Justification is released mid-May.
3. Help us understand the plan to reduce STAG funds, especially in states that have already reduced personnel by 40%, refocused on "core programs," and simultaneously increased customer service?
 4. If STAG funds are reduced, would EPA consider a lump sum or block grant approach rather than a programmatic approach? In other words, allow the states to prioritize where the cuts come from; this would honor the fact that Arizona's priorities are necessarily different than Florida's, for example. The Multipurpose Categorical Grant category is another way to maximize flexibility.

State Authority & Consultation:

5. What steps will you take to make delegation of primacy to states for programs like Underground Injection Control and assumption of the Clean Water Act Section 404 program (where there has been a difference of opinion between the Corps and EPA on assumption, with EPA favoring and the Corps putting up roadblocks)?

OW response (POC: Christine Ruf, 564-1220):

Safe Drinking Water Act Underground Injection Control Program:

- The Underground Injection Control Program provides safe and cost effective means for industries, municipalities, and small businesses to dispose of wastes, recover resources, and store fluids.
- Nearly 1 trillion gallons of wastes are disposed of through UIC wells in the U.S. each year.
- Through a review and approval process, EPA grants primary enforcement authority, often called primacy, to states, territories, or tribes that meet the requirements to implement a UIC program.

- Thirty-four states and three territories have EPA approved primacy programs for well classes I, II, III, IV and V. Additionally, seven states and two tribes have applied for and received primacy approval for Class II wells only.
- EPA most recently approved primacy for the State of Tennessee for Classes I-V in 2015, and for Kentucky for Class II wells, which takes effect on March 21, 2017. EPA continues to encourage and assist states applying for primacy for all well classes.
- EPA has worked closely with states, USGS, and DOE to help minimize the potential for earthquakes induced by underground injection – an important issue in Oklahoma and Kansas and other states.

Clean Water Act Section 404:

- It is my understanding that EPA has consistently supported state efforts to assume permitting responsibility of the CWA section 404 program and I remain committed to supporting this and other opportunities for collaborative federalism. EPA headquarters and regional staff stand ready to assist states interested in taking on the responsibilities of this program and also to remove any perceived barriers.
- For example, I understand that states have identified the lack of clarity regarding which waters they would assume CWA section 404 permitting responsibility as a barrier to not only assuming the program responsibilities but also effectively evaluating whether they wish to pursue administration of the program. In 2015, EPA established a FACA subcommittee to seek input on how to clarify this question. It is gratifying to see the states so well-represented on that group.
- On April 17th, the FACA subcommittee on Assumable Waters will meet to finalize their recommendations to NACEPT on how EPA could provide clarity on this important issue. I look forward to receiving the recommendations from NACEPT and considering how EPA can clarify for which waters the state would assume permitting responsibility and which the USACE would retain this CWA permitting authority. Providing clarity would remove this state identified “barrier.”
- I am pleased to commit EPA to continue its efforts to provide clarity on this issue, to actively work with those states seeking to assume the program, and to remove barriers wherever we have the authority to do so.

6. How do you plan to consult with states on next steps for the Waters of the U.S. Rule?

OW response (POC: Christine Ruf, 564-1220):

- I am committed to engaging with states as we move forward with our efforts on a Waters of the U.S. rulemaking.
- On February 28th the President signed the “Executive Order on Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the “Waters of the United States” Rule.
- The EO calls on the EPA Administrator and the Assistant Secretary of the Army for Civil Works to review the final Clean Water Rule and “publish for notice and comment a proposed rule rescinding or revising the rule...”
- The EO says that EPA and the Army Corps “shall consider interpreting the term “navigable waters” in a manner “consistent with Justice Scalia’s opinion” in Rapanos. The Scalia

standard indicates CWA jurisdiction includes relatively permanent waters and wetlands with a continuous surface connection to relatively permanent waters.

- It is important that stakeholders and the public at-large have certainty as to how the Clean Water Act applies to their activities.
- Through new rulemaking, the EPA and the Army seek to provide greater clarity and regulatory certainty concerning the definition of “waters of the United States,” consistent with the principles outlined in the Executive Order and the agencies’ legal authority.
- Shortly after the EO was issued, EPA took two actions:
 - First, we published a Federal Register notice on March 6th entitled “Intention to Review and Rescind or Revise the Clean Water Rule.” The notice announces EPA’s and Army’s intention to review and rescind or revise the 2015 Clean Water Rule, consistent with Scalia’s standard.
 - Second, at EPA’s request, on March 6th the Department of Justice advised the Sixth Circuit Court of Appeals that the Agencies intend to consider rescinding or revising the Clean Water Rule. The notice is called for by the EO and is appropriate because of the ongoing CWR-related litigation currently before that Circuit.
- We now are beginning the rulemaking process, jointly with the Army Corps of Engineers.
- We are moving as quickly as we can to develop a proposed rule for public review and comment, consistent with applicable laws.
- I am interested in hearing from states as we work to develop a rule that will provide appropriate protections for our waterbodies and encourage a robust role for states.
- Some have asked about the impact of the Executive Order on how the agencies determine jurisdictional waters today.
- The EO and Federal Register notice have not altered the definition of “waters of the US” or how we implement CWA programs.
- For now, we should continue to operate as we have under the stay issued by the Sixth Circuit Court of Appeals in October 2015.
- That means we are using the prior regulatory definition of “waters of the US,” as clarified by the January 2003 and December 2008 Guidance documents, when we need to determine if a water is jurisdictional or not

7. ECOS is generally opposed to the “sue and settle” approach where consent decrees may impose deadlines and obligations on state agencies without allowing them to weigh in before agreeing to a proposed consent decree. Can you discuss any ideas you are looking at to help ensure that states at least have a role in these settlement discussions?

OGC response (POC: Kevin Minoli, 564-5551):

- In my very first remarks to EPA employees I made clear that we were not going to engage in regulation through litigation.
- I will not authorize “sue and settle” agreements where the agency voluntarily commits to write rules, set deadlines, and take actions that the statute at issue does not require us to take, especially when those rules, deadlines, and actions impact states and the regulated community and you have not been given a meaningful chance to “weigh in” on the agreement.

- Under my leadership, EPA will work with the Department of Justice to defend the choices we have made about how to prioritize our resources whenever that is the right decision – including when a party challenges those choices in court.

Regulatory Reform:

- 8. Having spent a considerable amount of time identifying state rules that are unnecessary or outdated, we've learned that eliminating regulations is sometimes more difficult than creating them. How is EPA designing its 2 for 1 process? Would you consider involving states and the regulated community in the design of the 2 for 1 process?**

OP response (POC: Robin Kime, 564-6587):

- First, I want to thank you for the great support you have provided EPA and the Lean Action Board, which includes Kansas and Arizona, over the past year and a half. The Lean efforts we are engaged in to make our joint work between EPA and the states more efficient and effective is critical to our future success as an agency. Without ECOS at the table, we would not be nearly as productive.
- States have been leaders in Lean and we want to learn from their experience and success and partner together even more closely going forward to leverage project successes and encourage business process improvement solutions. The Lean Action Board, with ECOS at the table, has identified over 20 Lean projects with transferrable solutions and is working with EPA and state partners to share successful results with other offices and regions that have similar processes in need of improvement. Thank you for your continued leadership in this area.
- As I'm sure you are aware, President Trump recently issued two important Executive Orders about reducing regulation.
- "2 for 1" is part of the Executive Order Reducing Regulation and Controlling Regulatory Costs.
- The other Executive Order is called Enforcing the Regulatory Reform Agenda. As required by that EO, EPA has established a Regulatory Reform Task Force. That task force must seek input from state, local, and tribal governments; small businesses; consumers; non-governmental organizations; and trade associations.
- While the exact details of how to do that have not been worked out, I can assure you that we will be fulfilling the directives in the Executive Order and that states and the regulated community will have input into our regulatory reform efforts.
- My staff will follow up with you to make sure you are included in that work.

Infrastructure:

- 9. Environmental infrastructure spending is an abundantly obvious solution to much of our environmental challenges. What steps will the Administrator take to improve our infrastructure?**

OW response (POC: Christine Ruf, 564-1220):

- The nation's drinking water and wastewater infrastructure is critical for protecting public health and supporting and sustaining economic development.

- The implications of aging and deteriorating infrastructure can be felt nationwide
- Over 200,000 water main breaks occur in the U.S. annually, increasing threats from contaminated drinking water, impacting local economies, and leading to the loss of approximately \$2.6 billion of treated drinking water.
- Billions of gallons of raw sewage also are discharged annually into local surface waters from aging wastewater conveyance systems, exposing citizens and impacting local businesses.

Infrastructure Finance -- State Revolving Fund Programs:

- The Clean Water State Revolving Fund (CWSRF) and Drinking Water State Revolving Fund (DWSRF) have been very successful at addressing important water quality and public health needs of communities across the country. They are impressive models of cooperative federalism.
- These robust programs have done a remarkable job in delivering low cost financial assistance to communities across the country, helping them pay for much needed water infrastructure.
- The SRFs have provided more than \$150 billion in financial assistance to water and wastewater infrastructure projects.
- Last year alone the SRFs provided more than \$10 billion in assistance (\$7.6 B CWSRF and \$2.5 B DWSRF).
- The President's FY18 budget continues strong federal support for these programs.

Infrastructure Finance – WIFIA and Water Finance Center:

- The Water Infrastructure Finance and Innovation Act (WIFIA) program will supplement the existing SRF programs and accelerate water infrastructure investment by providing an additional source of low-cost, long-term capital, in the form of direct loans, to larger-scale projects.
- The WIFIA program aims to attract private participation, encourage new revenue streams for infrastructure investment, and allow public agencies to get more projects done with fewer federal dollars.
- Recently appropriated funding from Congress has positioned the WIFIA program to select projects this year for its first round of loans.
- The recent \$20 million appropriation will allow WIFIA to extend approximately \$1 billion in credit assistance to projects. This would result in about \$2 billion in total infrastructure investment, because borrowers must identify other funding to cover 51% or more of total project costs.
- EPA is accepting letters of interest for its initial round of WIFIA credit assistance until April 10, 2017.
- The FY18 President's budget requests \$20 million in funding for this new program.
- The Water Finance Center provides financial and technical support in a collaborative manner to help our communities and states find solutions to financing water infrastructure projects and increase the efficiency and effectiveness of water infrastructure funding.

10. The federal permitting process for environmental and infrastructure improvement projects has a poor reputation. What role can EPA play to reduce the frustration of trying to obtain these permits?

OW response (POC: Christine Ruf, 564-1220):

- Through many years of experience in implementing the NPDES permitting program, EPA and the states have developed a streamlined permitting process for projects needing a construction site stormwater discharge permit (typically the only type of NPDES permit required for environmental and infrastructure improvement projects).
- Almost all states have authorized NPDES construction stormwater permitting programs, and provide permit coverage for construction sites under a general permit format which is designed to protect water quality and avoid needless delays.
- A Construction General Permit or CGP provides a streamlined permitting process that allows for the permitting of thousands of projects per month.
- Eligible construction projects obtain CGP coverage by submitting to the permitting authority a Notice of Intent (NOI) form. Upon submittal of the NOI, projects are typically provided automatic permit coverage after the end of the waiting period established by the permitting authority (typically within 14 days). After permit coverage is provided for a project, it remains covered until active construction is completed and the site has been stabilized.
- EPA is interested in listening and learning from our co-regulators and permittees ideas for ensuring that the NPDES permitting process is streamlined for these projects while ensuring that water quality standards are being achieved.

Research:

11. What is the role of research going forward at EPA? Are you aware of the State Research Priorities Needs and what steps can we take to align EPA research to answer state questions?

ORD Response (POC: Lisa Matthews, 564-6669):

- Yes, the ECOS leadership team met recently with the EPA transition team and discussed the productive partnership between ECOS and its research arm, the Environmental Research Institute of the States (ERIS), and EPA's Office of Research and Development (ORD).
- Together, ERIS and ORD have worked over the past five years through a series of meetings and state surveys to strengthen the alignment of EPA's scientific and technical capabilities with state research priorities and needs. ORD has used this input to ensure that its research is more useful and practical for states to help address their on-the-ground problems.
- Examples of ORD assisting the states include:
 - Managing algal toxins in drinking water treatment plants with Ohio EPA and City of Toledo;
 - Technical assistance to the state of Louisiana with their response to the Denka chloroprene facility in LaPlace;
 - Technical assistance on distribution system cleanup and a health-based action level for an asphalt-emulsifying agent that contaminated the drinking water supply for Corpus Christi, info used to remediate and reopen the water system; and

- Measurements and analysis of complex atmospheric chemical reactions for study of Utah's air quality during periodic winter inversions.
- We've also tapped into ECOS to help develop and validate some of our modeling and decision support tools such as EnviroAtlas and the Community-Focused Exposure and Risk Screening Tool (C-FERST).
- Our state partners provide significant insight on the environmental problems they face and how to best translate EPA science into good decisions for communities.
- EPA has received the latest ERIS states' survey results (conducted in September 2016).
- In response, ORD has held four initial teleconferences with state representatives to clarify states' science needs for the priority areas identified in the 2016 ERIS states' survey.
- These areas included water, emerging contaminants/toxics, waste/remediation and air/ozone.
- ORD will work with ECOS to coordinate further follow up discussions. This input on State Research Needs Priorities is very valuable and will help better align EPA research with state needs.
- ORD values the collaboration with our state partners and will continue to help meet states' research needs, strengthen state capacity in science and technology, and provide research products and applied science tools that are useful and practical to support state efforts on-the-ground.

Message

From: Ross, David P [ross.davidp@epa.gov]
Sent: 2/27/2018 8:15:13 PM
To: Bennett, Tate [Bennett.Tate@epa.gov]
Subject: RE: For Friday- Palm Beach Co Meetings

Hi – this says do not forward, but I need to task my people to prepare talking points. Can I print and hand?

From: Bennett, Tate

Sent: Tuesday, February 27, 2018 12:59 PM

To: Wehrum, Bill <Wehrum.Bill@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>; Falvo, Nicholas <falvo.nicholas@epa.gov>; Hanson, Paige (Catherine) <hanson.catherine@epa.gov>; Glenn, Trey <Glenn.Trey@epa.gov>; Ashbee, Blake <ashbee.blake@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Gordon, Stephen <gordon.stephen@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>; Kunding, Kelly <kunding.kelly@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>

Subject: For Friday- Palm Beach Co Meetings

Importance: High

CONFIDENTIAL- PLEASE DO NOT FORWARD THIS EMAIL OUTSIDE OF THIS CHAIN

All- The Admin will be meeting with members of the Palm Beach County Economic Development Council (NextEra Energy, Sugar Industry, local port owners) and the Professional Golfers' Association of America Head Quarters this Friday. Sorry for the delayed notice, but I just learned this was on-go. Would your respective offices please send talkers on the below issues to Lincoln and I by **noon this Thursday?** Also, for convenience purposes, I included at the bottom on this email your most recent talkers on Water Infrastructure, Coal Ash, FY19 POTUS Budget, CPP and WOTUS (R4- I tried to pull Lake Okeechobee from last month but it was in PDF form) in case you all want to edit and send back (or just respond to me with "no changes on X"). Feel free to add to the list as you see fit. -Tate

OAR/OP/ R4

- Any air attainment issues in Palm Beach County, FL and south FL in general (R4 to work with OAR)
- CPP (OAR)

OP

- Water Infrastructure (Byron/ OW)
- Any updates on coal ash (Byron)

OW/R4

- Any policy updates surrounding golf course irrigation issues (OW)
- FL-specific WOTUS issues and any comments submitted by PGA (OW)
- Lake Okeechobee (R4)
- FL 404 Assumption (OW/R4)

Superfund/ R4

- Please flag any ongoing issues (both)

Budget

- Any parochial funding issues (Paige)

- Overall budget talkers (Paige)

Water Infrastructure:

- EPA estimates that more than \$650 billion is needed to maintain, upgrade and replace our nation's water infrastructure over next 20 years.
- EPA is also working to support the President's Infrastructure Initiative by supporting water infrastructure investments through the Clean Water State Revolving Fund (CWSRF), the Drinking Water State Revolving Fund (DWSRF), and the Water Infrastructure Finance and Innovation Act (WIFIA) program.
- EPA's FY2019 proposed budget includes \$2.26 billion for the State Revolving Funds and \$20 million for WIFIA. The budget request includes \$84 million for drinking water programs to continue to partner with states, utilities, and other stakeholders to identify and address current and potential sources of drinking water contamination.
- In the past year EPA's Water Infrastructure Finance and Innovation Act (WIFIA) program has made significant progress toward providing credit assistance.
- In July 2017 we invited 12 projects in nine states to apply for loans, including the Georgetown water treatment system in King County, Washington. EPA intends to open another funding round when sufficient appropriations become available.

Infrastructure Concerns

- The President's proposal would centralize federal dollars for water, transportation, and other projects and provide them to municipalities as matching funds, with the intent of encouraging local officials to use new sources of revenue to fund projects.
- The infrastructure plan is an alternative to the current model, which allocates funding through programs like the EPA's State Revolving Fund and the Department of Transportation's Transportation Investment Generating Economic Recovery (TIGER) discretionary grants.

WOTUS:

- We recently finalized a rule to change the applicability date of the 2015 WOTUS rule to February 6, 2020.
- Given the uncertainty about litigation in multiple district courts over the 2015 Rule, this action provides much needed certainty and clarity to the regulated community during the ongoing regulatory process.
- We understand the importance of consulting with our state and tribal partners in developing a new rule to define Waters of the U.S. We have already had several rounds of discussions with state, local government and tribal governments are planning for additional discussions with state and tribal co-regulators in the near-future.
- EPA is working toward issuing a final rule as quickly as possible.

Clean Power Plan:

- The CPP was problematic from both a legal and technical perspective: It required actions that extended beyond the fence line of power plants and assigned broad sweeping assumptions that did not reflect the true diversity of our nation's energy mix.
- EPA is holding public hearing on its October 2017 proposal to repeal the Clean Power Plan, including hearings in San Francisco and Wyoming.
- On December 28, 2017, EPA published an Advance Notice of Proposed Rulemaking on what a replacement rule should include.
- February 26, 2018 – public comment period closes for the ANPRM
- Important to any potential next regulatory step is respect for carefully crafted statutory limits and adherence to the principles of cooperative federalism.

- A number of stakeholders and states, including Texas and Wyoming, have requested an extension of the comment period for the ANPRM.
- There will be future comment opportunities when we issue a proposed rule this summer.

EPA's FY2019 Budget:

- The President's FY19 budget request seeks more than \$6.1 billion for EPA – an almost \$2 billion reduction from current funding levels.
- The President's budget request would reduce State and Tribal Assistance Grants by more than \$573 million to \$2.9 billion. It also reduces funding for geographic programs, including eliminating funding for the Puget Sound program (almost \$28 million).
- EPA appreciates the Congress plays in appropriating money to EPA, and will work with the funding that Congress provides to support EPA operations and activities.

Elizabeth Tate Bennett
Associate Administrator for Public Engagement & Environmental Education
Office of the Administrator
U.S. Environmental Protection Agency
(202) 564-1460
Bennett.Tate@epa.gov

Message

From: Cory, Preston (Katherine) [Cory.Preston@epa.gov]
Sent: 2/23/2018 3:00:13 PM
To: Beach, Christopher [beach.christopher@epa.gov]
CC: Bennett, Tate [Bennett.Tate@epa.gov]
Subject: RE: Format for WGA
Attachments: WesternGovsMemo.docx

See attached memo (DRAFT) and refer to the second page which covers reg reform topics. I would keep the talkers brief and not too detailed- mention how many western states he has visited etc., Superfund, Cercla, WOTUS.

Tate, thoughts?

-----Original Message-----

From: Beach, Christopher
Sent: Friday, February 23, 2018 9:58 AM
To: Cory, Preston (Katherine) <Cory.Preston@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>
Subject: RE: Format for WGA

Great. Can you also send over those talking points you mentioned? I'll distill them into content for the Admin's speech card. Thanks!

-----Original Message-----

From: Cory, Preston (Katherine)
Sent: Friday, February 23, 2018 8:37 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Beach, Christopher <beach.christopher@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Subject: Re: Format for WGA

Yep- I'll send out the memo shortly which includes the run of show. We have 10 minutes blocked off for him to open. The other secs and govs will follow and then there will be 40 mins for a round table discussion.

K. Preston Cory
U.S. Environmental Protection Agency
Congressional and Intergovernmental Relations
202-579-4281

> On Feb 23, 2018, at 8:17 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

>

> Great! Didn't want this to get lost amid cpac fun. So to confirm, it is remarks behind podium?

>

>> On Feb 23, 2018, at 8:10 AM, Cory, Preston (Katherine) <Cory.Preston@epa.gov> wrote:

>>

>> Chris and I chatted yesterday about his opening remarks and he will be joining us for the briefing today so he can take notes.

>>

>> K. Preston Cory
>> U.S. Environmental Protection Agency
>> Congressional and Intergovernmental Relations
>> 202-579-4281

>>

>>> On Feb 23, 2018, at 7:58 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

>>>

>>> Hey Chris! Wanted to connect you all as I know the Admin will ask about format for WGA in his briefing today. Maybe OCIR can shed some light on run of show. Remarks? Roundtable? Etc.

TO: Administrator Pruitt
FROM: OCIR
DATE: February 22, 2018
RE: Western Governors Breakfast: February 25, 2018

Confirmed Principals:

Secretary Alexander Acosta
Secretary Ryan Zinke
Governor Bill Walker (AK)
Governor John Hickenlooper (CO)
Governor David Ige (HI)
Governor Butch Otter (ID)
Governor Jeff Colyer (KS)
Governor Steve Bullock (MT)
Governor Doug Burgum (ND)
Governor Susana Martinez (NM)
Governor Ryan Sandoval (NV)
Governor Kate Brown (OR)
Governor Dennis Daugaard (SD)
Governor Gary Herbert (UT)
Governor Jay Inslee (WA)
Governor Matt Mead (WY)

Run of show:

7:00 a.m.	Breakfast Available
7:20 a.m.	Welcome <i>Scott Pruitt, Administrator, EPA</i>
7:30 a.m.	Opening Remarks <i>Dennis Daugaard, Governor of South Dakota and WGA Chairman</i>
7:40 a.m.	Governors' Remarks
8:20 a.m.	Cabinet Officials' Remarks
8:40 a.m.	Roundtable Discussion
9:20 a.m.	Conclusion

General Regulatory Updates

CERCLA 108b Hardrock Mining:

- EPA's Dec. 1, 2017 decision NOT to issue a federal financial assurance rule on the hardrock mining sector reiterates that the President is a champion for miners and mining jobs especially in rural America.
- EPA determined that the risks posed by modern hardrock mines were minimal because of existing state and federal financial assurance requirements, environmental regulations, and industry practices.
- The Western Governors Association agreed that the proposed rule, if finalized, would have been burdensome and duplicative as many states already have effective state financial assurance programs. This would have been done all with little to no additional benefit to the environment.

Clean Power Plan:

- On December 28, 2017, EPA published an Advance Notice of Proposed Rulemaking
- February 26, 2018 – public comment period closes for the ANPRM
- A number of stakeholders and states, including Texas and Wyoming, have requested an extension of the comment period for the ANPRM.
- There will be future comment opportunities when we issue a proposed rule this summer.

Endangered Species Act Memorandum of Agreement:

- On January 31, 2018, a Memorandum of Agreement was signed by EPA, DOI (includes FWS), and DOC (includes NMFS), establishing an Interagency Working Group.
- The Working Group will provide recommendations to EPA, FWS and NMFS leadership on improving the ESA consultation process for pesticide registration and registration review.
- The agency is committed to meeting the statutory mandates under both FIFRA and ESA. The EPA aims to streamline the process to a point where it is protective of species, feasible within the agencies' resource constraints, and transparent to the public.

EPA's FY2019 Budget:

- EPA is also working to support this Presidential priority by supporting water infrastructure investments through the Clean Water State Revolving Fund (CWSRF), the Drinking Water State Revolving Fund (DWSRF), and the Water Infrastructure Finance and Innovation Act (WIFIA) program.
- EPA's FY2019 proposed budget includes \$2.26 billion for the State Revolving Funds and \$20 million for WIFIA. The budget request includes \$84 million for drinking water programs to continue to partner with states, utilities, and other stakeholders to identify and address current and potential sources of drinking water contamination.

Oil and Gas New Source Performance Standards (Quad O(a) Rule)

- EPA has been developing regulatory actions to address substantive issues with the Methane Rule, including a technical fix to address immediate compliance concerns and a policy proposal seeking information on whether it is appropriate to separately regulate Methane.
- EPA recently issued a proposal to withdraw the 2016 Control Techniques Guidelines for the Oil and Natural Gas Industry

PFAS

- The EPA directed a cross agency group to develop an action plan to address the needs of impacted communities. EPA is providing technical assistance to states and communities as we work together to address drinking water contamination from other PFAS.

Regional Haze

- EPA announced recently its decision to revisit certain aspects of the 2017 Regional Haze Rule revisions. EPA intends to commence a notice-and-comment rulemaking in which we will address portions of the rule. Furthermore, EPA plans to finalize one or more EPA guidance documents for regional haze State Implementation Plan (SIP) revisions due in 2021.
- In 2017 and 2018, EPA has taken several actions to approve SIPs and withdraw FIPs for the first implementation period for regional haze.

SIP/FIP Actions / Cooperative Federalism on Air Issues:

- On February 12, 2018, the Western Governors Association sent a letter to EPA's Office of Air and Radiation providing detail on the Governors' priorities for air quality policy in the West, including the importance of the co-regulator relationship and need for early consultation.
- EPA has recently taken several actions in order to shift from Clean Air Act Federal Implementation Plans (FIPs) imposed by the previous Administration to State Implementation Plans (SIPs).

Superfund Task Force:

- Report issued July 25, 2017 with 42 recommendations
- Approximately 50 working groups now implementing the recommendations and sub-recommendations
- Administrators Special Emphasis List-first list of 21 sites that are receiving Administrator monthly or more often updates to achieve a specific milestone in the process. Of the original, 7 have already achieved the milestone- this will be updated quarterly
- 31 sites identified as sites most probable for reuse or redevelopment

Water Infrastructure:

- EPA estimates that more than \$650 billion is needed to maintain, upgrade and replace our nation's water infrastructure over next 20 years.

- In the past year EPA's Water Infrastructure Finance and Innovation Act (WIFIA) program has made significant progress toward providing credit assistance.
- In July 2017 we invited 12 projects in nine states to apply for loans. EPA intends to open another funding round when sufficient appropriations become available.

WOTUS:

- We recently finalized a rule to change the applicability date of the 2015 WOTUS rule to February 6, 2020.
- Given the uncertainty about litigation in multiple district courts over the 2015 Rule, this action provides much needed certainty and clarity to the regulated community during the ongoing regulatory process.
- We are planning for additional discussions with state and tribal co-regulators in the near-future. On Tuesday, February 20th, we held a webinar on our Step 2 rulemaking for our state and tribal partners and we will be hosting fly-in for tribal stakeholders on March 6-7 and a State fly-in on March 8- 9.

Issue Overview by State

Governor Bill Walker (AK):

- Pebble Mine
 - In EPA's settlement with Pebble Limited Partnership, we agreed not issue a final decision until the Corps of Engineers issues a Final Environmental Impact Statement or May 2021, whichever is earlier.
 - This decision neither deters nor derails the application process of Pebble Limited Partnership's proposed project. The agency will be seeking additional public comment on the impact of the mining application on the proposed determination to better inform that analysis.
- Yukon Basin
 - The state submitted a request to designate Yukon Basin as Aquatic Resource of National Interest affecting Alaska Stand Alone Pipeline **STATUS?**

Governor John Hickenlooper (CO):

- Gold King Mine
 - EPA has dedicated over \$29 million since the release for a wide-variety of activities, including \$3.8 million to reimburse state and tribes costs incurred responding to the release and \$2 million for water quality monitoring.
 - On September 9, 2016, EPA listed the Bonita Peak Mining District on the Superfund National Priorities List (NPL), which encompasses the Gold King Mine and has initiated the CERCLA remedial investigation/feasibility study process and is considering interim response actions at more than 25 sources within the Site.

Governor David Ige (HI):

- Conduit Theory
 - A recent 9th Circuit Court of Appeals ruling to require underground injection control-regulated injection wells to obtain a CWA NPDES discharge permit highlights unique challenges in Hawaii's wastewater management and dependence upon cesspools
 - Over the years, EPA has stated in a variety of contexts, but has not finalized through a rulemaking, that releases of pollutants to groundwater with a direct hydrologic connection to a jurisdictional surface water may require permits under the Clean Water Act.
 - Issued ANPRM seeking comment whether releases to groundwater should be subject to CWA
- Sewer/wastewater infrastructure
 - In the past 20 years EPA has provided over \$176 million to the HI Drinking Water SRF program. Hawaii continues to have \$1 billion in drinking water needs.

- We will continue to work with HDOH to meet the state's immediate water infrastructure demands and ensure long-term SRF fiscal health.

Governor Butch Otter (ID):

- Hells Canyon Site-Specific Criterion for Temperature
 - EPA received a letter from Governor Otter requesting that we act on Idaho's temperature criterion revision for the portion of the Snake River downstream from the Hells Canyon hydroelectric complex
 - Region 10 Administrator will engage with Idaho, as well as Oregon, to help wrap up the water quality certification process needed for relicensing.

Governor Steve Bullock (MT):

- Anaconda Mine
 - Also on the Emphasis list, RA and Senior Advisor will be going to Montana to work with State, County and State to hopefully achieve an agreed path to completion
- Butte/Silver Bow Superfund Site
 - By placing emphasis on the site through the Special Emphasis List, the RA working with the state has gotten all parties to agree in principal to the final path to cleanup that has been lingering now for 25 years

Governor Doug Burgum (ND):

- North Dakota Sugar Beet Section 18 Request
 - In 2017, EPA denied the emergency exemption (FIFRA Section 18) requests from North Dakota for the use of chlorothalonil in sugar beets to control Cercospora in sugar beets. EPA is continuing to work with the states and grower representatives to try to identify alternatives
- UIC Class VI Primacy
 - EPA has reviewed comments received on the proposed approval of North Dakota's application for UIC Class VI primacy, and we anticipate issuing a final determination this spring. If approved, North Dakota would be the first state in the nation to issue Class VI permits regulating the long-term storage of CO₂.

Governor Susana Martinez (NM):

- Gold King Mine
 - The State of New Mexico and the Navajo Nation have brought actions in the federal district court in New Mexico asserting CERCLA, Clean Water Act, and tort claims.

Governor Ryan Sandoval (NV):

- Anaconda Mine Site:
 - NPL listing was formally deferred to the state, which serves as a prime example of Cooperative Federalism

- Pesticide Use for Cannabis Crops
 - There are no pesticides registered by EPA specifically for use on marijuana. There are no tolerances established for marijuana or hemp and cannabis does not fit into an existing crop group. The agency disapproved Nevada's Special Local Needs registration on July 3, 2017.

Governor Kate Brown (OR):

- Portland Harbor
 - PRPs have agreed upon a plan to move forward that includes all parties cooperating. EPA worked with the State and City to achieve agreed action to begin testing on several sites so that remediation may begin more quickly
- Proposed Aluminum Aquatic Life Criteria Applicable to Oregon
 - EPA is under a consent decree deadline (from a Northwest Environmental Advocates lawsuit) to propose aluminum aquatic life criteria for the state of Oregon by 3/15/18.

Governor Dennis Daugaard (SD):

- Dewey Burdock Uranium In-Situ Recovery UIC Permits
 - On March 6, 2017 EPA issued two draft Underground Injection Control (UIC) Area Permits and a proposed aquifer exemption to Powertech (USA) Inc., for injection activities related to uranium recovery near Edgemont, South Dakota. No next steps have been determined.
- Keystone Oil Spill Response
 - TransCanada has completed excavation and removal of contaminated soils. The soils have been transported off-site for disposal. The DEQ has primary oversight of the cleanup and is monitoring groundwater.

Governor Gary Herbert (UT):

- Gold King Mine
 - The State of Utah has filed an action asserting similar claims (as well as a RCRA imminent and substantial endangerment claim) in the federal district court in Utah.
- Other Air Quality Issues
 - Region 8 will meet with the senior leadership of Utah DEQ on March 15 to discuss other air quality issues in Utah
- Uintah Basin FIP for True Minor Sources in Indian Country for Oil and Natural Gas Production
 - Region 8 has drafted a proposed FIP to reduce VOC emissions from existing oil and natural gas sources and incorporates a streamlined permitting mechanism for new minor sources in a nonattainment area. OAR is also considering revising the national Indian country oil and gas FIP.

Governor Jay Inslee (WA):

- Hanford Nuclear Superfund Site is awaiting final agreement between Tribes, State and EPA on the cleanup conducted. Will present ROD to Administrator upon that occurring. 99 of 105 areas have already been remediated

- Puget Sound Discharge Zones
 - In July 2016, the Washington Department of Ecology issued a petition to the EPA to establish a No Discharge Zone (NDZ) ban on vessel sewage discharge in Puget Sound area waters.
- Quendall Terminal Superfund Site is to receive early action. The region is currently negotiating to effect cleanup plan and return site to useful condition as soon as possible.
- Water Quality Issues
 - EPA and the State of Washington are actively engaged in collaboration with stakeholders on implementation of the HHC for PCBs, especially in the Spokane River, where EPA is a participant on the Spokane River Regional Toxics Task Force, along with affected parties such as the City of Spokane.

Governor Matt Mead (WY):


- Exceptional Events
 - Wyoming has expressed concerns about some of the new requirements in the revised 2016 Exceptional Events Rule. OAQPS is working with regional offices to manage implementation strategies.
 - EPA's Region 8 Denver office continues to work with Wyoming to address the state's concerns with the 2016 rule in addition to other unique challenges due to Wyoming's large number of industry-operated monitors where exceptional event impacts may have importance to WDEQ in oversight of facility air emissions.
- Uranium Mining: Proposed Rule on Ground Water and In-Situ Recovery
 - January 19, 2017 EPA issued a proposed rule regarding groundwater protection standards for uranium in-situ recovery (ISR) facilities. The extended comment period closed on October 16, 2017.

Message

From: Beach, Christopher [beach.christopher@epa.gov]
Sent: 2/12/2018 7:43:11 PM
To: Daniell, Kelsi [daniell.kelsi@epa.gov]; Bennett, Tate [Bennett.Tate@epa.gov]
Subject: FW: Talkers/ Backgrounders for New England
Attachments: LeadUpdate.docx; BiomassUpdate.docx; Wood Procurement.docx; New England Air Issues.docx; FY 2019 Budget Overview_v3.docx; EPA PFAS one pager for Adm Pruitt V2_k.docx; FY 2019 Budget Overview_v3.docx; NHWaterIssues.docx; NH Issues.docx; Senator Hassan Feb 2 2018.pdf

<!--[if lte mso 15 || CheckWebRef]-->

Beach, Christopher has shared a OneDrive for Business file with you. To view it, click the link below.

 northfield mountain.docx

<!--[endif]-->

See PFAS backgrounder in here.

From: Bennett, Tate
Sent: Friday, February 9, 2018 10:44 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Gordon, Stephen <gordon.stephen@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>; Kunding, Kelly <kunding.kelly@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Letendre, Daisy <letendre.daisy@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Wagner, Kenneth <wagner.kenneth@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>
Subject: Talkers/ Backgrounders for New England

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Also, I wanted to flag for you the below NH Congressional delegation press release on the Coakley Landfill SF Site (which we are not visiting). I spoke with Alex Dunn (also cc'd here), and she didn't see any issue with our not visiting since EPA is already doing its part here----an investigation is already underway. The Region has already sent response letters to Shaheen, Hassan Shea-Porter and Kuster saying we should have some preliminary results by summer. We will make sure the Admin is up to speed (it's included in these briefing materials) before he does NH press. Alex's response letter to the MOC's is attached in case you want to see.

Tate

FOR IMMEDIATE RELEASE

Friday, January 26, 2018

Contact: Aaron.Jacobs@hassan.senate.gov, Ricki.Eshman@hassan.senate.gov

New Hampshire Congressional Delegation Calls on EPA to Ensure That Deep Bedrock Investigation at Coakley Landfill Is Completed Without Delay

WASHINGTON – U.S. Senators Jeanne Shaheen and Maggie Hassan, along with Representatives Carol Shea-Porter and Annie Kuster, yesterday sent a letter calling on the U.S. Environmental Protection Agency (EPA) to ensure that the deep bedrock investigation at Coakley Landfill is conducted as quickly as possible. The delegation also called on the EPA to ensure that the public is kept informed throughout the process.

“We applaud the United States Environmental Protection Agency (EPA) Region 1 for formally requesting a deep bedrock investigation at Coakley Landfill, but we would also encourage you and your staff to ensure that this work begins as quickly as possible,” **the delegation** wrote. “Protecting the health and well-being of our citizens and our environment is one of the most important roles of government. The EPA must continue to work quickly to assess the conditions at the Coakley Landfill Site and ensure that the remedy at the site is protective of both short and long-term health.”

Then-Governor Hassan established the New Hampshire Governor’s Task Force on the Seacoast Cancer Cluster in 2016. Senator Hassan cosponsored legislation requiring the EPA to set federal safety guidelines for perfluorinated compounds and to identify a threshold of expected risk to health for PFCs within two years. Senator Shaheen introduced bipartisan legislation, which Senator Hassan cosponsored, to proactively empower the EPA to better respond to potential water contamination crises from emerging contaminants like PFCs. Additionally, Senator Shaheen’s amendment establishing the first-ever nationwide study on the potential health implications of exposure to PFC contamination was included in the annual defense legislation that was signed into law by the President last month.

Shea-Porter led efforts in the House of Representatives to authorize and secure funding for the health impact study, successfully passing legislation in the FY2018 National Defense Authorization. Additionally, Shea-Porter led a bipartisan letter, joined by Kuster, to Congressional appropriators urging an initial \$7 million to launch the health impact investigation, and in August she secured an amendment to fund the study, which the House passed with unanimous support as part of its Defense Appropriations bill. An amendment cosponsored by Congresswoman Kuster was included in the House version of the FY 2018 NDAA, which required a study of the health effects on individuals exposed to perfluorooctane sulfonate and perfluorooctanoic acid from firefighting foams used at military installations.

[Click here](#) or see below for the full text of the letter:

January 25, 2018

Alexandra Dunn
Administrator, Region 1
U.S. Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, Massachusetts 02109

Dear Ms. Dunn:

We write today regarding the recent letter to Mr. Peter Britz from Mr. Gerardo Millán-Ramos, Remedial Project Manager for the Coakley Landfill Superfund Site, formally requesting a deep bedrock investigation at the site. We applaud the United States Environmental Protection Agency (EPA) Region 1 for formally requesting a deep bedrock investigation at Coakley Landfill, but we would also encourage you and your staff to ensure that this work begins as quickly as possible.

As you are aware, in September 2017, EPA Region 1 released the addendum to the fourth Five-Year Review for the Coakley Landfill Superfund Site. In the addendum, EPA identified that “the knowledge about groundwater flow and the fate and transport of site contaminants of concern (COCs) in the deep bedrock is very limited”. The recommended action outlined in the addendum was that the Coakley Landfill Group, the potentially responsible party (PRP) for the Coakley Landfill Superfund Site, conduct a deep bedrock investigation to address the data gaps and possible transport of contaminants from the site. Since the deep bedrock investigation is projected to take approximately two years, it is essential that the EPA avoid delays in completing this critical work.

Protecting the health and well-being of our citizens and our environment is one of the most important roles of government. The EPA must continue to work quickly to assess the conditions at the Coakley Landfill Site and ensure that the remedy at the site is protective of both short and long-term health.

Thank you for your ongoing efforts at the Coakley Landfill Superfund Site. We look forward to continuing to work with you and EPA Region 1 to address the public health and environmental concerns of Granite Staters.

Sincerely,

Elizabeth Tate Bennett
Associate Administrator for Public Engagement & Environmental Education
Office of the Administrator
U.S. Environmental Protection Agency
(202) 564-1460
Bennett.Tate@epa.gov

2/13/18 MEETING WITH GOVERNOR SUNUNU & 2/14/18 REGION 1 SENIOR MANAGERS' MEETING WITH EPA HEADQUARTERS LEADERSHIP (8:00-8:50 AM)

COORDINATED APPROACHES TO PFAS IN NEW ENGLAND (New Hampshire Focus) – Both Meetings

- Since 2016, Region 1 states, in particular NH and VT, have been addressing widespread PFAS contamination. NH has monitored more than 3,000 sources of drinking water in communities around the St Gobain Plant in Merrimack NH where ground water contamination was detected. Region 1 has provided significant sampling, lab analysis and technical support to NH and VT.
- Three public water supply sources in NH exceed PFAS health standards and contaminated private drinking water wells will be hooked up to the regional public water system.
- PFAS have been detected at a number of National Priorities List (NPL) sites in the Region. In NH, Region 1 led PFAS investigations at Coakley Landfill Superfund site, and issued an emergency order for Pease Air Force Base requiring groundwater treatment for contaminated public water supply wells.
- In late 2017, the Region formed an EPA/New England States' PFAS Working Group to share information and prioritize resource requests/needs. The Region has also been actively involved in the EPA Cross-Agency Coordinating Committee.

COAKLEY LANDFILL SUPERFUND SITE, NORTH HAMPTON, NH – Both Meetings

- The Coakley Landfill is a capped and fenced landfill, with a 65-acre NHDES Groundwater Management Zone which restricts groundwater use at some properties within North Hampton, Greenland, and Rye. PFAS have been detected in groundwater, surface water, and sediment at or in close proximity to the landfill.
- There is high level of public and legislative concern and involvement due to the existence of a pediatric cancer cluster in the Seacoast area. There is no evidence of a connection between the site and the cancer cluster.
- Over 80 private drinking water wells have been tested and none exceeded the EPA Health Advisory/NHDES Ambient Groundwater Quality Standard for PFAS (70 parts per trillion).
- EPA has been coordinating with a Legislative Commission created by the Governor last summer to enhance communication with policy makers and the community.
- The Commission recently asked EPA to consider alternative remedies and to perform extensive sampling downstream from the landfill. EPA's current understanding of risks posed by this site do not warrant the extensive reevaluations proposed by the Commission.
- EPA has recently required the PRPs to prepare a workplan for an extensive groundwater investigation in the site's deep bedrock to ensure that contamination has not moved through bedrock in unexpected directions. There has been significant public attention focused on this effort, including a letter from the two NH Senators calling for EPA to expedite this study.

STORMWATER PERMITTING– Both Meetings

- Contaminated stormwater is the leading cause of water quality problems in New England, creating serious local economic problems due to beach and shellfish bed closures.
- Municipal stormwater ("MS4") permits are the primary driver to improve stormwater quality in New England and Region 1 is the NPDES authority in MA and NH, working closely with our states.

- The MS4 permits will yield significant environmental improvements, but also include lengthy compliance schedules and a great deal of flexibility for local decision-making. Region 1 engaged impacted communities and made numerous changes to add flexibility in response to comments.
- EPA issued the MA MS4 permit in 2016 and the NH permit in 2017. Both are under appeal, and we have entered mediation sponsored by the D.C. Circuit.
- In 2017, EPA agreed to postpone the effective date of the Massachusetts permit to align its timing with the NH permit. Both are now scheduled to take effect in July. Last month, a coalition of NH communities asked EPA to postpone the effective date of that permit, and Region 1 is working with OW and OGC to evaluate that request.

WASTEWATER PERMITTING – Governor’s Meeting Only

- A January 24th letter from Governor Sununu to the Administrator raised concerns about Clean Water Act permits for Great Bay municipalities, including questions about the science underlying EPA’s permitting decisions.
- Last Tuesday (2/6/18), Dave Ross and Alex Dunn met with several of these communities—Portsmouth, Dover, and Rochester—to discuss the permit process and the latest scientific data about Great Bay.
- The meeting was very productive. The group agreed to followup discussions to share technical information, and EPA committed to engage the communities in the permitting process.
- NHDES Commissioner Bob Scott participated in the meeting, along with Mac Zellum from the governor’s office. Region 1 will continue to closely coordinate with all parties on these issues.

NEW HAMPSHIRE HIGHWAY PROJECTS – Governor’s Meeting Only

- NH has been working to add two lanes to a stretch of I-93 in the southern part of the state. EPA participated in the NEPA and CWA 404 permitting processes, which are now complete.
- Because road salt impaired some streams in the I-93 corridor, NHDES’s water quality certification of the 404 permit required chloride load reductions to those streams before paving the fourth lane. The amount of the reduction is specified in TMDLs prepared by the state and approved by EPA.
- The chloride reductions have not yet been achieved, but NHDOT wants to move ahead with use of the fourth lane. NHDES is considering ways to interpret the water quality certification to allow this.
- In addition, NHDOT and the Federal Highway Administration are currently analyzing construction of a new exit (4A) on I-93 to facilitate a large private development. That exit and development would add an additional chloride load. EPA is a cooperating agency in the NEPA process for this project, and an EIS has not yet been drafted.

SOUTH MUNICIPAL WELLFIELD SUPERFUND SITE, PETERBOROUGH, NH – Governor’s Meeting Only

- The South Municipal Well in Peterborough, NH was taken offline in 1982 due to contamination from the New Hampshire Ball Bearings (NHBB) manufacturing plant. Despite extensive remedial efforts over the years, the groundwater remains contaminated over acceptable levels.
- In order to provide for the safety of its water supply and for the economic sustainability of the area, the town of Peterborough is looking to develop an alternate water supply, but is looking for state and NHBB funding. The Town’s initial estimate for development of the water supply is \$5.5 million.
- EPA will likely be requested, and we will be supportive of, approving an extension of restoration timelines to save money and allow the company to apply that savings toward the new water supply.

CENTREDALE MANOR SUPERFUND SITE, NORTH PROVIDENCE, RI - Senior Managers’ Meeting Only

- To expedite cleanup at the Centredale Manor Superfund Site in Rhode Island, we are moving forward with both mediation and litigation.
- The District Court issued a decision in August 2017 upholding most of EPA's selected remedy, but finding certain flaws in EPA's determination that the groundwater was a potential drinking water source and EPA's use of certain assumptions in the Human Health Risk Assessment.
- With regard to mediation, the first face-to-face session was held on January 18, 2018 and the second on February 1, 2018. Good progress has been made on a number of the technical issues. The parties have scheduled three more sessions, approximately every two weeks. With regard to litigation, on January 23, 2018, DOJ filed an appeal of adverse findings in the District Court's ruling. A motion to dismiss for lack of jurisdiction is pending.

SCHILLER STATION NPDES PERMIT – Senior Managers' Meeting Only

- Schiller Station is a 163 MW power plant in Portsmouth, NH, with two coal-fired units and one wood-fired unit. The coal units run less than 20% of the time.
- Schiller was recently purchased by Granite Shore Power. The purchase agreement requires them to operate the facility for 18 months, and the units have capacity supply obligations through June, 2021.
- Region 1 is preparing a NPDES permit for the facility, after being sued twice by the Sierra Club for unreasonable delay. We are coordinating closely with OW and OGC.
- The permit will not require the costly closed-cycle cooling system sought by environmental groups. EPA concluded that a much more economical screening system is the "best technology available".

PROACTIVE APPROACHES TO CHEMICAL ACCIDENT PREVENTION - Senior Managers' Meeting Only

- To protect communities and businesses from dangerous chemical accidents, Region 1 coordinates with local and state emergency responders, provides compliance assistance to facilities, and takes targeted enforcement.
- With responsibility for implementing chemical safety requirements of the Clean Air Act and the Emergency Planning and Community Right to Know Act across all New England states, we have found some of the most dangerous conditions at ammonia refrigeration facilities and chemical warehouses.
- We hold about a dozen training and planning exercises each year with local and state emergency responders, provide training to over 1500 people a year, and partner with trade associations to further our reach. To quickly correct the most dangerous situations, we take civil and occasionally criminal enforcement.

New Hampshire Water Issues Overview/Talkers

Wastewater

- Thank you for your recent letter on Clean Water Act permits for Great Bay municipalities.
- As you know, the leaders of EPA's Office of Water and of our New England regional office met with a group of communities last Tuesday. Bob Scott [DES Commissioner] participated in that meeting, along with Mac Zelle from your office. I understand that discussion was productive and that the group agreed to follow-up discussions to make sure we are all sharing the latest scientific information about Great Bay.
- EPA committed to engage the communities in the permitting process, and to let them know well in advance when we are nearing issuance of any draft or final permits. We understand that permitting decisions have important consequences for communities and we don't want to surprise anyone.
- At the meeting, the City of Portsmouth informed EPA of a possible development opportunity at the Pease International Tradeport which may require an increase in permitted discharges. EPA is ready to work with Portsmouth to identify and resolve any permitting issues.
- We will continue to closely coordinate with NH DES on these issues. We really value DES's engagement and we believe it's important that we continue to work together on these permits.

MS4 permitting

- EPA worked closely with NH DES in the development of the NH municipal stormwater ("MS4") permit. We appreciate DES's engagement and support.
- We know NH communities are concerned about the investments needed to reduce stormwater pollution. Together with DES, we conducted numerous meetings with communities to hear their concerns, and made many changes to the permit in response to their comments.
- We looked for places to add flexibility to the permit to allow local decision-making about stormwater management. We also included lengthy schedules to allow communities time to plan and implement stormwater management practices.
- The permit has been appealed, and we are beginning a mediation process to see if we can reach an agreement that satisfies everyone's concerns. We will continue to listen carefully to the issues raised by NH communities. I hope we can find a way forward that will protect New Hampshire's waters and will also be workable for the communities that need to implement the permit.
- I know that a group of NH communities has asked EPA to delay the effective date of the permit. Our Office of General Counsel and Office of Water are working with Region 1 to evaluate that request.

WOTUS

- The EPA and the Department of the Army are in the process of reviewing and considering revisions to the scope of "waters of the United States" that are protected under the Clean Water Act, and we are doing so in a two-step process consistent with a February 28, 2017 Presidential Executive Order.
- The first step was to propose to rescind the 2015 rule and recodify the prior regulations. We published the proposal in July 2017.
- The second step is to propose a new definition of WOTUS.
- Apart from this two-step process, last week we published a final rule adding an applicability date to the 2015 rule. The 2015 rule will not apply until February 6, 2020.


- Given the uncertainty about litigation in multiple district courts over the 2015 Rule, this action provides much needed certainty and clarity to the regulated community, states and the public during the ongoing regulatory process.
- We've received a lot of useful feedback from the federalism and tribal consultations we conducted in the spring and from the series of public meetings we held in fall asking for pre-proposal recommendations on a revised definition of "waters of the United States." We are currently reviewing those recommendations.
- We are planning for additional discussions with state and tribal co-regulators in the near-future, including webinars with our state and tribal partners on February 20 and hosting workshops for tribal stakeholders on March 6- 7 and for states on March 8- 9.
- I look forward to continuing our engagement and dialogue as we work to reconsider the definition of the 'waters of the United States' so that Americans receive the clarity they deserve.

Message

From: Beach, Christopher [beach.christopher@epa.gov]
Sent: 2/12/2018 7:42:39 PM
To: Bennett, Tate [Bennett.Tate@epa.gov]
Subject: FW: Talkers/ Backgrounders for New England
Attachments: LeadUpdate.docx; BiomassUpdate.docx; Wood Procurement.docx; New England Air Issues.docx; FY 2019 Budget Overview_v3.docx; EPA PFAS one pager for Adm Pruitt V2_k.docx; FY 2019 Budget Overview_v3.docx; NHWaterIssues.docx; NH Issues.docx; Senator Hassan Feb 2 2018.pdf

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“We applaud the United States Environmental Protection Agency (EPA) Region 1 for formally requesting a deep bedrock investigation at Coakley Landfill, but we would also encourage you and your staff to ensure that this work begins as quickly as possible,” **the delegation** wrote. “Protecting the health and well-being of our citizens and our environment is one of the most important roles of government. The EPA must continue to work quickly to assess the conditions at the Coakley Landfill Site and ensure that the remedy at the site is protective of both short and long-term health.”

Then-Governor Hassan established the New Hampshire Governor’s Task Force on the Seacoast Cancer Cluster in 2016. Senator Hassan cosponsored legislation requiring the EPA to set federal safety guidelines for perfluorinated compounds and to identify a threshold of expected risk to health for PFCs within two years. Senator Shaheen introduced bipartisan legislation, which Senator Hassan cosponsored, to proactively empower the EPA to better respond to potential water contamination crises from emerging contaminants like PFCs. Additionally, Senator Shaheen’s amendment establishing the first-ever nationwide study on the potential health implications of exposure to PFC contamination was included in the annual defense legislation that was signed into law by the President last month.

Shea-Porter led efforts in the House of Representatives to authorize and secure funding for the health impact study, successfully passing legislation in the FY2018 National Defense Authorization. Additionally, Shea-Porter led a bipartisan letter, joined by Kuster, to Congressional appropriators urging an initial \$7 million to launch the health impact investigation, and in August she secured an amendment to fund the study, which the House passed with unanimous support as part of its Defense Appropriations bill. An amendment cosponsored by Congresswoman Kuster was included in the House version of the FY 2018 NDAA, which required a study of the health effects on individuals exposed to perfluorooctane sulfonate and perfluorooctanoic acid from firefighting foams used at military installations.

[Click here](#) or see below for the full text of the letter:

January 25, 2018

Alexandra Dunn
Administrator, Region 1
U.S. Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, Massachusetts 02109

Dear Ms. Dunn:

We write today regarding the recent letter to Mr. Peter Britz from Mr. Gerardo Millán-Ramos, Remedial Project Manager for the Coakley Landfill Superfund Site, formally requesting a deep bedrock investigation at the site. We applaud the United States Environmental Protection Agency (EPA) Region 1 for formally requesting a deep bedrock investigation at Coakley Landfill, but we would also encourage you and your staff to ensure that this work begins as quickly as possible.

As you are aware, in September 2017, EPA Region 1 released the addendum to the fourth Five-Year Review for the Coakley Landfill Superfund Site. In the addendum, EPA identified that “the knowledge about groundwater flow and the fate and transport of site contaminants of concern (COCs) in the deep bedrock is very limited”. The recommended action outlined in the addendum was that the Coakley Landfill Group, the potentially responsible party (PRP) for the Coakley Landfill Superfund Site, conduct a deep bedrock investigation to address the data gaps and possible transport of contaminants from the site. Since the deep bedrock investigation is projected to take approximately two years, it is essential that the EPA avoid delays in completing this critical work.

Protecting the health and well-being of our citizens and our environment is one of the most important roles of government. The EPA must continue to work quickly to assess the conditions at the Coakley Landfill Site and ensure that the remedy at the site is protective of both short and long-term health.

Thank you for your ongoing efforts at the Coakley Landfill Superfund Site. We look forward to continuing to work with you and EPA Region 1 to address the public health and environmental concerns of Granite Staters.

Sincerely,

Elizabeth Tate Bennett
Associate Administrator for Public Engagement & Environmental Education
Office of the Administrator
U.S. Environmental Protection Agency
(202) 564-1460
Bennett.Tate@epa.gov

Message

From: Subramanian, Hema [Subramanian.Hema@epa.gov]
Sent: 3/13/2018 6:41:09 PM
To: Bennett, Tate [Bennett.Tate@epa.gov]
Subject: RE: FOR REVIEW - Draft farm bureaus release
Attachments: Ag Fly-in TPs for Administrator_March2018_updated.docx

Tate – I don't know about the farm bureau release that you're editing below, but I have not heard back from OPP yet re: the restricted use pesticide negotiations. Do you also need RFS TPs?

I am re-attaching the TP set I sent to you previously for the fly-ins, with just the one bullet I'm suggesting for CERCLA to replace the section I had previously in there for the RQ. I'm thinking more and more that we do not want to include details on RQ, particularly since we don't know what the official Reg Impact Analysis is going to say yet for the rulemaking.

Hema Subramanian
Acting Special Assistant for Agriculture Policy
Office of the Administrator
U.S. Environmental Protection Agency
Washington, DC
office: (202) 564-5041

From: Bennett, Tate
Sent: Tuesday, March 13, 2018 1:50 PM
To: Daniell, Kelsi <daniell.kelsi@epa.gov>
Cc: Subramanian, Hema <Subramanian.Hema@epa.gov>
Subject: Re: FOR REVIEW - Draft farm bureaus release

Hema- does this change I made read ok re restricted use?

On Mar 13, 2018, at 1:48 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

He also discussed EPA's 2017 "restricted use pesticide" label negotiations for the pesticide dicamba which allowed farmers to make informed choices for seed purchases and minimize potential drift to damage neighboring crops for the upcoming growing season.

Run by Nancy.

On Mar 13, 2018, at 1:41 PM, Daniell, Kelsi <daniell.kelsi@epa.gov> wrote:

Hey - Is he going to discuss RFS? We can include a snippet on that and anything else if you want. Let me know what edits you have. Waiting on quotes from farm bureaus.

Kelsi Daniell
Press Secretary
Administrator Scott Pruitt
202-564-2413
daniell.kelsi@epa.gov

<Farm Bureaus.docx>

Ag Fly-In Talking Points
March 2018

Contents

[TOC \o "1-3" \h \z \u]

WOTUS

- One example of the Administrator's commitment to cooperative federalism is the proposal to rescind the 2015 Clean Water Rule and revise the definition of Waters of the US.
- The EPA and the Department of the Army are in the process of reviewing and considering revisions to the scope of "waters of the United States" that are protected under the Clean Water Act, and we are doing so in a two-step process consistent with a February 28, 2017 Presidential Executive Order.
- The first step was to propose to rescind the 2015 rule and recodify the prior regulations. We're reviewing the 685,000 comments received and we're working to review them.
- The second step is to propose a new definition of WOTUS. We've received a lot of feedback from the federalism and tribal consultations and from the series of public meetings asking for pre-proposal recommendations on a revised definition.
- Apart from this two-step process, we recently (January 31, 2018) finalized a rule to change the applicability date of 2015 WOTUS rule to February 6, 2020.
- Given the uncertainty about litigation in multiple district courts over the 2015 Rule, this action provides much needed certainty and clarity to the regulated community during the ongoing regulatory process.
- We are planning for additional discussions with state and tribal co-regulators in the near-future. I look forward to continuing our engagement and dialogue as we work to reconsider the definition of the 'waters of the United States' so that Americans receive the clarity they deserve.
- More information on WOTUS can be found on our website at [HYPERLINK "https://remoteworkplacedr.epa.gov/owa/,DanaInfo=.aovvostqGwoptorFJJQu76,SSL+redir.aspx?REF=I02pK6FzNyOqQtZ5DweWKOakcm8BPPmPPocsnyBrhb03ISgSGfVCAFodHRwOi8vd3d3LmVwYS5nb3Yvd290dXMtcnVsZQ.." \t "_blank"].

CERCLA/EPCRA Reporting

Issue: Due to a recent court decision, farms (including ranches, livestock operations and/or animal operations) will soon be required to report hazardous substance air releases from animal waste under the **Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)** when they release hazardous substances from animal waste in amounts greater than or equal to their reportable quantity within a 24-hour period.

Background:

- In **2008**, EPA published a final rule that exempted farms from reporting hazardous substance air releases from animal waste under CERCLA, and only large concentrated animal feeding operations (CAFOs) were subject to reporting under the **Emergency Planning and Community Right-to-Know Act (EPCRA)**—a separate law.
- Citizen groups challenged the validity of EPA's rule, and the US Court of Appeals for the DC Circuit struck down EPA's rule on **April 11, 2017**.
- The Court was expected to issue its mandate by **January 22, 2018**. On Friday, **January 19, 2018**, EPA filed a motion with the D.C. Circuit Court of Appeals to further delay issuance of the mandate.
- **No reporting is required until the Court issues its order**, or mandate, enforcing its decision to eliminate the reporting exemptions for farms.
- Once the Court issues its mandate, however, farms with animal operations that release certain amounts of hazardous substances will be required to report these air emissions.
- If Congress passes the Fair Agricultural Reporting Method (FARM) Act that was introduced in February, farmers will be exempt from reporting air emissions from animal waste at farms under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

General Talking Points:

- The DC Circuit Court of Appeals was expected to issue its mandate by January 22, 2018. On Friday, January 19, 2018, EPA filed a motion with the D.C. Circuit Court of Appeals to further delay issuance of the mandate.
- On February 1, 2018, the DC Circuit Court of Appeals **granted the EPA's request for an extension until May 1, 2018**.
- **No reporting is required until the Court issues its order**, or mandate, enforcing its decision to eliminate the reporting exemptions for farms.

- Once the Court issues its mandate, however, farms with animal operations that release certain amounts of hazardous substances will be required to report these air emissions.
- On **February 13, 2018** Congress introduced the Fair Agricultural Reporting Method (FARM) Act to exempt farmers (ranchers and livestock/poultry producers) from reporting air emissions from animal waste at farms under CERCLA.
- If the act passes, **farmers will be exempt from reporting air emissions from animal waste at farms under CERCLA.**
- Additionally, we are looking into whether there are any adjustments EPA could make to reportable quantity thresholds for animal operations in order to reduce burdens, as a Plan B.

More detailed Talking Points on Reporting

- **Ammonia (NH₃) and hydrogen sulfide (H₂S)** are common hazardous substances emitted from animal waste that require reporting if released to the air in amounts greater than or equal to their Reportable Quantity (RQ) of **100 lbs within a 24-hr period**.
- To comply with **CERCLA section 103** reporting requirements for air releases of hazardous substances from animal waste, farms may follow a streamlined reporting process known as “continuous release reporting”. This requires the facility owner or operator to:
 1. Notify the NRC at [[HYPERLINK "mailto:farms@uscg.mil"](mailto:farms@uscg.mil)] with the name of the farm, the location (city/town and state), and the name(s) of the hazardous substance(s) released
 2. Submit an initial written notification to the EPA Regional Office (Continuous Release Reporting Form) within 30 days
 3. One year later, submit an additional follow-up written notification to the EPA Regional Office.
- Emissions from the farm must be reviewed on an annual basis. You should also estimate emissions following any significant changes in operations that may result in statistically significant increases in emissions. You'll also need to report any statistically significant increases in emissions.
- EPA is working on completing the **National Air Emissions Monitoring Study (NAEMS)**. NAEMS will help the agency develop methodologies to estimate emissions from a wide variety of types of CAFOs and thus better inform emission estimates from animal waste. However, that work will not be completed prior to the requirement that farms report.

- To help those who must comply with the statute's requirement, EPA has made resources available on its website that may be helpful in estimating emissions, in addition to other related information. The following resources are available on [HYPERLINK "http://www.epa.gov/animalwaste"].
 - A **fact sheet** that provides responses to frequently asked questions (EPA is currently updating to reflect extension request)
 - A number to the **EPCRA, RMP & Oil Information Center (1-800-424-8802)** to provide information related to compliance assistance
 - An **outline of the steps** required to comply with continuous release reporting
 - A **continuous release reporting form**
 - A reporting requirements **guide** for the continuous release of hazardous substances
 - **Tools** to help with **emissions estimates**
- Farmers can estimate quantities of releases by relying on:
 - Past release data;
 - Engineering estimates;
 - Your knowledge of the facility's operations and release history; or
 - Your best professional judgment.(Farmers should keep a copy of the calculation for future reference.)
- EPA has provided the following resources related to this reporting requirement.
 - Email comments or suggestions on guidance materials to: [HYPERLINK "mailto:CERCLA103.guidance@epa.gov"]
 - Regional Contacts: [HYPERLINK "https://www.epa.gov/epcra/cr-erns-regional-contacts"]
 - Continuous Release Reporting Forms: [HYPERLINK "https://www.epa.gov/animalwaste"]
 - **National Response Center: 800-424-8802** or [HYPERLINK "mailto:farms@uscg.mil"].
 - See the CERCLA and EPCRA guidance for more information: [HYPERLINK "https://www.epa.gov/animalwaste"]
 - Call the EPCRA, RMP & Oil Information Center at: 1-800-424-9346 for compliance assistance

WPS and C&T

- On December 14th, EPA announced that the agency would revise certain requirements in the Agricultural Worker Protection Standard (WPS) and the Certification and Training (C&T) Rule.
 - **By the end of FY 2018**, EPA expects to publish a **Notice of Proposed Rulemaking** to solicit public input on proposed revisions to the **WPS requirements for minimum ages, designated representatives, and application exclusion zones**.
 - The compliance dates in the revised WPS published on November 2, 2015, remain in effect; the Agency does not intend to extend them.
 - Also, EPA initiated a process to revise the minimum age requirements in the **C&T rule**. EPA expects to publish a **Notice of Proposed Rulemaking** to solicit public input on proposed revisions to the rule **by the end of FY 2018**.
 - EPA has no plans to change the implementation dates in the January 4, 2017 final rule for:
 - (1) certifying authorities to submit revised certification plans and
 - (2) EPA to act on those plans;

Current web content:

[HYPERLINK "<https://www.epa.gov/pesticides/epa-initiates-rulemaking-revise-certain-aspects-agricultural-worker-protection-standard>"]

FR Notice announcing the reconsideration of the WPS: [HYPERLINK

"<https://www.federalregister.gov/documents/2017/12/21/2017-27303/pesticides-agricultural-worker-protection-standard-reconsideration-of-several-requirements-and>"]

FR Notice announcing the reconsideration of the Certification of Pesticide Applicators Rule: [HYPERLINK

"<https://www.federalregister.gov/documents/2017/12/19/2017-27302/pesticides-certification-of-pesticide-applicators-rule-reconsideration-of-the-minimum-age>"]

Dicamba

- EPA is continuing to lead efforts to assess and understand reported damage to non-target crops from the use of the herbicide dicamba to control weeds in genetically-modified cotton and soybeans.
- Since June 2017, the EPA has received reports regarding a very high number of non-target crop damage incidents involving dicamba.
- We worked with States, USDA extension agents, and registrants to develop tangible solutions to address the underlying causes leading to dicamba-related crop damage incidents in 2017. The

manufacturers voluntarily agreed to label changes that impose additional requirements for “over the top” use of these products in 2018 including:

- Classifying products as “restricted use,” permitting only certified applications with special training and those under their supervision to apply them; dicamba-specific training for all certified applicators to reinforce proper use;
 - Requiring farmers to maintain specific records regarding the use of these products to improve compliance with label restrictions
 - Limiting applications to when maximum wind speeds are below 10mph (from 15mph) to reduce potential drift
 - Reducing the times during the day when applications can occur
 - Including tank clean-out language to prevent cross contamination
 - Enhancing susceptible crop language and record keeping with sensitive crop registries to increase awareness of risk especially to sensitive crops nearby.
- Manufacturers have agreed to a process to get the revised labels into the hands of farmers in time for the 2018 use season. Each company agreed to a process to relabel products currently in the marketplace, if necessary. This may involve certain retailers relabeling the products and providing a new label or manufacturers reclaiming certain products from retailers for relabeling.
 - EPA will monitor the success of these changes to help inform our decision whether to allow the continued “over the top” use of dicamba beyond the 2018. When EPA registered these products, it set the registrations to automatically expire in 2 years to allow EPA to change the registration, if necessary.
 - **We expect that dicamba spraying may begin in April/May.**
 - **The registration for dicamba expires in November 2018, but EPA hopes to issue a final decision in advance of that date in order to help growers prepare for the 2019 growing season.**

Link to current web content and Q&As:

[HYPERLINK "<https://www.epa.gov/ingredients-used-pesticide-products/registration-dicamba-use-genetically-engineered-crops>"]

Chlorpyrifos

- EPA denied a petition by Pesticide Action Network North America and Natural Resources Defense Council to revoke all tolerances and cancel all registrations for chlorpyrifos because the science was uncertain, and the Agency wants to ensure the science is there before issuing a final decision.

Link to current web content: [HYPERLINK "<https://www.epa.gov/ingredients-used-pesticide-products/order-denying-petition-revoke-all-tolerances-pesticide>"]

Glyphosate

- EPA opened the 60-day public comment period for the draft glyphosate human health and ecological risk assessments. Comments are due by April 30, 2018.
- The draft risk assessments and supporting documents are available in glyphosate's registration review docket [HYPERLINK "<http://links.govdelivery.com/track?type=click&enid=ZWFzPTEmbXNpZD0mYXVpZD0mbWFpbGluZ2lkPTlwMTgwMzAyLjg2MzE5NzQxJm1lc3NhZ2VpZD1NREltUFJELUJVTC0yMDE4MDMwMi44NjMxOTc0MSZkYXRhYmFzZWlkPTEwMDEmc2VyaWFsPTE3MjlxODA1JmVtYWlsaWQ9a2Fpc2VyLnN2ZW4tZXJpa0BlcGEuZ292JnVzZXJpZD1rYWlzc3Zlbi1lcmlrQGVwYS5nb3YmdGFyZ2V0aWQ9JmZsPSZtdmlkPSZleHRyYT0mJiY=&&&101&&&https://www.regulations.gov/docket?D=EPA-HQ-OPP-2009-0361>"] on [HYPERLINK "<http://links.govdelivery.com/track?type=click&enid=ZWFzPTEmbXNpZD0mYXVpZD0mbWFpbGluZ2lkPTlwMTgwMzAyLjg2MzE5NzQxJm1lc3NhZ2VpZD1NREltUFJELUJVTC0yMDE4MDMwMi44NjMxOTc0MSZkYXRhYmFzZWlkPTEwMDEmc2VyaWFsPTE3MjlxODA1JmVtYWlsaWQ9a2Fpc2VyLnN2ZW4tZXJpa0BlcGEuZ292JnVzZXJpZD1rYWlzc3Zlbi1lcmlrQGVwYS5nb3YmdGFyZ2V0aWQ9JmZsPSZtdmlkPSZleHRyYT0mJiY=&&&102&&&http://www.regulations.gov/>"].
- After the comment period, EPA will evaluate the comments received and consider any potential risk management options for this herbicide.

For additional details read our December 2017 announcement: [HYPERLINK "<http://links.govdelivery.com/track?type=click&enid=ZWFzPTEmbXNpZD0mYXVpZD0mbWFpbGluZ2lkPTlwMTgwMzAyLjg2MzE5NzQxJm1lc3NhZ2VpZD1NREltUFJELUJVTC0yMDE4MDMwMi44NjMxOTc0MSZkYXRhYmFzZWlkPTEwMDEmc2VyaWFsPTE3MjlxODA1JmVtYWlsaWQ9a2Fpc2VyLnN2ZW4tZXJpa0BlcGEuZ292JnVzZXJpZD1rYWlzc3Zlbi1lcmlrQGVwYS5nb3YmdGFyZ2V0aWQ9JmZsPSZtdmlkPSZleHRyYT0mJiY=&&&103&&&https://www.epa.gov/pesticides/epa-releases-draft-risk-assessments-glyphosate>"].

NMFS Biop for Chlorpyrifos, Diazinon, and Malathion

- In January 2017, EPA initiated consultation, issuing Biological Evaluations for chlorpyrifos, diazinon, and malathion.

- On December 29, 2017, the National Marine Fisheries Service (NMFS) issued their final Biological Opinion on potential effects of chlorpyrifos, diazinon, and malathion.
- The BiOp reaches “jeopardy” and “adverse modification” conclusions for 38 federally listed threatened or endangered species and 37 critical habitat units.
- On February 21, 2018, EPA initiated informal consultation with NMFS to continue to develop the methodologies that will guide the consultation process for pesticides. In the near future, EPA intends to begin a public comment period on the NMFS BiOp. EPA remains in consultation with the U.S. Fish and Wildlife Service for these same three chemicals.

NMFS has posted a statement and its BiOp online at: [HYPERLINK
"https://www.fisheries.noaa.gov/resource/document/biological-opinion-pesticides" \t "_blank"]

For more information on how EPA assesses pesticides under the Endangered Species Act, see: [HYPERLINK "https://www.epa.gov/endangered-species/assessing-pesticides-under-endangered-species-act"].

ESA and Pesticide Registration

- In January, EPA signed a Memorandum of Agreement establishing an interagency Working Group to evaluate and improve the Endangered Species Act consultation process for pesticide registration.
- The interagency Working Group includes the Department of the Interior and Department of Commerce and comes at a critical time as EPA has 700 pesticide registrations to complete by 2022.
- The Administration is taking this action to improve and accelerate the ESA consultation process, harmonize interagency efforts, and create regulatory certainty for American agriculture.

Message

From: Beach, Christopher [beach.christopher@epa.gov]
Sent: 2/8/2018 2:56:42 PM
To: Bennett, Tate [Bennett.Tate@epa.gov]
CC: Sands, Jeffrey [sands.jeffrey@epa.gov]
Subject: RE: Favor
Attachments: NASDA Conference 1-31-18.docx

Sure, the NASDA note cards actually have the most rural stuff/TPs so use this one that's attached. (The FL one didn't have as many bullets under each point.) Here are the main three TPs we use for him on WOTUS on a regular basis and the last one is a story he usually tells when he's talking about WOTUs and it's a good one.

WOTUS:

- No longer a "one-size-fits-all" regulatory approach
- Ensure regulatory certainty for affected farmers and land owners.
- We are providing clarity and certainty that is consistent with Clean Water Act.
- Salt Lake City ephemeral drainage ditch story

From: Bennett, Tate
Sent: Thursday, February 8, 2018 9:43 AM
To: Beach, Christopher <beach.christopher@epa.gov>
Cc: Sands, Jeffrey <sands.jeffrey@epa.gov>
Subject: Favor

Hey Chris! Do you mind sending me the final pocket card from the Florida visit last Friday? I am going to steal your dicamba and WOTUS talking points that he used.

Elizabeth Tate Bennett
Associate Administrator for Public Engagement & Environmental Education
Office of the Administrator
U.S. Environmental Protection Agency
(202) 564-1460
Bennett.Tate@epa.gov

**National Association of State Departments of
Agriculture (NASDA) Winter Policy
Conference**

Wednesday, 1/31 @ 1pm

Grand Hyatt Washington, Constitution AB

Exact Speaking Time: 1pm

Length: 30 min

Setup: Fireside chat with Oklahoma Secretary of Agriculture Jim Reese

Audience: 200 NASDA members (all of the state ag commissioners, their staff and ag community sponsors of the fly-in)

Media: Open press.

AGENDA:

12:45pm - YOU depart for Grand Hyatt

1pm - Fireside Chat w/ YOU and Jim Reese

1:30pm - YOU depart

Open:

George Washington wrote in a letter: *“I know of no pursuit in which more zeal & important service can be rendered to any Country than by improving its agriculture—its breed of useful animals.”*

- Farmers and ranchers are our country's first environmentalists and conservationists whose input must be valued.

***Bridge:** The previous administration may have ignored many of you. But I have not.*

Cooperative Federalism:

- Priority = get out of Washington and into the communities.
- Rural America includes 72% of the nation's land and 46 million people.
- On my State Action Tour, I visited nearly 30 states and met with state agriculture commissioners, Farm Bureau leaders and other stakeholders. I see many of you here today.

Results:

Within months of taking office, I spearheaded over two dozen significant regulatory reform actions, including proposing to rescind the 2015 “Waters of the United States” rule.

- **WOTUS:** Ensure regulatory certainty for affected farmers and land owners.
- **Dicamba:** Negotiated a labeling agreement with manufactures to minimize drift to off-target crops.
- **Worker Protection Standard:** EPA notified farmers it will provide clarity regarding the minimum age, designated representative, and application exclusion zone.

***Bridge:** And we have a new important announcement we will make right here today...*

Today, I will sign a Memorandum of Agreement establishing a new Endangered Species Act Working Group

- The Environmental Protection Agency, Department of Interior, and Department of Commerce have entered into a Memorandum of Agreement to establish a high-level, interagency Working Group to evaluate and improve the Endangered Species Act consultation process for pesticide registrations.
- **The current process is broken.** It has taken the government multiple years to evaluate just three of the 700 pesticides that need to be reviewed.
- **The current pesticide consultation process is bad for both endangered species and America's farmers.**
- This Working Group will improve and accelerate the process for pesticide registrations.

Commissioners in the Room Today That You Know from WOTUS Tour/ Meetings at EPA

Kentucky- Ryan Quarles (introduced you at KY Farm Bureau)

Georgia-Gary Black

Tennessee- Jai Templeton

Arkansas- Wes Ward

Colorado- Don Brown (appointed by Hickenlooper- came to Last Chance ranch)

Florida- Adam Putnam

Indiana- Melissa Rekoweg (interim)/ Ted McKinney (tapped for USDA post)

Iowa- Bill Northey (Confirmation is still held up)

Mississippi- Cindy Hyde-Smith

Missouri- Chris Chinn

Utah- LuAnn Adams (Came to Bittner Ranch)

Nebraska- Greg Ibach (Now appointed at USDA)

North Dakota- Doug Goehring

Oklahoma- Jim Reese

South Carolina- Hugh Weathers

Message

From: Ross, David P [ross.davidp@epa.gov]
Sent: 2/9/2018 12:33:29 AM
To: Bennett, Tate [Bennett.Tate@epa.gov]
Subject: RE: ACTION, For Forwarding: TPs for Pruitt Travel 2/12-2/14

Happy to help.

From: Bennett, Tate
Sent: Thursday, February 8, 2018 6:52 PM
To: Ross, David P <ross.davidp@epa.gov>
Subject: Re: ACTION, For Forwarding: TPs for Pruitt Travel 2/12-2/14

Wonderful! Thank you, sir!

On Feb 8, 2018, at 6:47 PM, Ross, David P <ross.davidp@epa.gov> wrote:

Hi Tate,

As requested, here are TPs on WOTUS, Wastewater permitting, and MS4 permitting. The wastewater and MS4 TPs were prepared and approved by Region 1. The requested points on the Northfield mountain facility are being handled by Region 1 and will be transmitted to you directly. Let us know if you need anything else.

Wastewater

- Thank you for your recent letter on Clean Water Act permits for Great Bay municipalities.
- As you know, the leaders of EPA's Office of Water and of our New England regional office met with a group of communities last Tuesday. Bob Scott [DES Commissioner] participated in that meeting, along with Mac Zelle from your office. I understand that discussion was productive and that the group agreed to follow-up discussions to make sure we are all sharing the latest scientific information about Great Bay.
- EPA committed to engage the communities in the permitting process, and to let them know well in advance when we are nearing issuance of any draft or final permits. We understand that permitting decisions have important consequences for communities and we don't want to surprise anyone.
- At the meeting, the City of Portsmouth informed EPA of a possible development opportunity at the Pease International Tradeport which may require an increase in permitted discharges. EPA is ready to work with Portsmouth to identify and resolve any permitting issues.
- We will continue to closely coordinate with NH DES on these issues. We really value DES's engagement and we believe it's important that we continue to work together on these permits.

MS4 permitting

- EPA worked closely with NH DES in the development of the NH municipal stormwater ("MS4") permit. We appreciate DES's engagement and support.
- We know NH communities are concerned about the investments needed to reduce stormwater pollution. Together with DES, we conducted numerous meetings with communities to hear their concerns, and made many changes to the permit in response to their comments.
- We looked for places to add flexibility to the permit to allow local decision-making about stormwater management. We also included lengthy schedules to allow communities time to plan and implement stormwater management practices.

- The permit has been appealed, and we are beginning a mediation process to see if we can reach an agreement that satisfies everyone's concerns. We will continue to listen carefully to the issues raised by NH communities. I hope we can find a way forward that will protect New Hampshire's waters and will also be workable for the communities that need to implement the permit.
- I know that a group of NH communities has asked EPA to delay the effective date of the permit. Our Office of General Counsel and Office of Water are working with Region 1 to evaluate that request.

WOTUS

- The EPA and the Department of the Army are in the process of reviewing and considering revisions to the scope of "waters of the United States" that are protected under the Clean Water Act, and we are doing so in a two-step process consistent with a February 28, 2017 Presidential Executive Order.
- The first step was to propose to rescind the 2015 rule and recodify the prior regulations. We published the proposal in July 2017.
- The second step is to propose a new definition of WOTUS.
- Apart from this two-step process, last week we published a final rule adding an applicability date to the 2015 rule. The 2015 rule will not apply until February 6, 2020.
- Given the uncertainty about litigation in multiple district courts over the 2015 Rule, this action provides much needed certainty and clarity to the regulated community, states and the public during the ongoing regulatory process.
- We've received a lot of useful feedback from the federalism and tribal consultations we conducted in the spring and from the series of public meetings we held in fall asking for pre-proposal recommendations on a revised definition of "waters of the United States." We are currently reviewing those recommendations.
- We are planning for additional discussions with state and tribal co-regulators in the near-future, including webinars with our state and tribal partners on February 20 and hosting workshops for tribal stakeholders on March 6- 7 and for states on March 8- 9.
- I look forward to continuing our engagement and dialogue as we work to reconsider the definition of the 'waters of the United States' so that Americans receive the clarity they deserve.

From: Bennett, Tate

Sent: Monday, February 5, 2018 11:48 AM

To: Wehrum, Bill <Wehrum.Bill@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Wagner, Kenneth <wagner.kenneth@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>

Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Gordon, Stephen <gordon.stephen@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>; Daniell, Kelsi <daniell.kelsi@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Kunding, Kelly <kunding.kelly@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>

Subject: Pruitt Travel 2/12-2/14

Good morning!

The Administrator will be making the following visits next week in Massachusetts and New Hampshire (I have listed them below and the issues we anticipate that will be raised). If your respective offices could provide memos and talking points by COB Thursday, it would be greatly appreciated! He is leaving first thing on Monday AM, and he will need to take all of the materials with him when he departs the office Friday for the weekend (departure time Friday TBD so this is why we need everything by Thursday COB).

- Massachusetts 2/12- Region 10 Office Visit, New Bedford Superfund Site (memo required on New Bedford), Memo on POTUS Budget which is coming out this day
- New Hampshire 2/13- Meeting with Governor Sununu (memo required for MS4 Permitting/wastewater NPDES , WOTUS), Meeting with Central Paper Company (Wood procurement issues, Biomass carbon neutrality), Mohawk Tannery Superfund Site (memo required)
- Massachusetts 2/14- Northfield Mountain Hyrdo Facility with Commissioner Chatterjee (memo on hydro water permitting issues from OW.....note most of their issues will be before FERC)

All of these stops have been vetted by Susan and Patricks' teams.

Apologies if this is duplicative as I know some of you have already sent me some of your materials.

Tate

Elizabeth Tate Bennett
Associate Administrator for Public Engagement & Environmental Education
Office of the Administrator
U.S. Environmental Protection Agency
(202) 564-1460
Bennett.Tate@epa.gov

Message

From: Subramanian, Hema [Subramanian.Hema@epa.gov]
Sent: 3/13/2018 4:50:31 PM
To: Bennett, Tate [Bennett.Tate@epa.gov]
Subject: TPs for Administrator
Attachments: Ag Fly-in TPs for Administrator_March2018.docx

Please see attached. I will let you know if there are any updates from OEM or OPP.

Hema Subramanian
Acting Special Assistant for Agriculture Policy
Office of the Administrator
U.S. Environmental Protection Agency
Washington, DC
office: (202) 564-5041

Ag Fly-In Talking Points
March 2018

Contents

[TOC \o "1-3" \h \z \u]

WOTUS

- One example of the Administrator's commitment to cooperative federalism is the proposal to rescind the 2015 Clean Water Rule and revise the definition of Waters of the US.
- The EPA and the Department of the Army are in the process of reviewing and considering revisions to the scope of "waters of the United States" that are protected under the Clean Water Act, and we are doing so in a two-step process consistent with a February 28, 2017 Presidential Executive Order.
- The first step was to propose to rescind the 2015 rule and recodify the prior regulations. We're reviewing the 685,000 comments received and we're working to review them.
- The second step is to propose a new definition of WOTUS. We've received a lot of feedback from the federalism and tribal consultations and from the series of public meetings asking for pre-proposal recommendations on a revised definition.
- Apart from this two-step process, we recently (January 31, 2018) finalized a rule to change the applicability date of 2015 WOTUS rule to February 6, 2020.
- Given the uncertainty about litigation in multiple district courts over the 2015 Rule, this action provides much needed certainty and clarity to the regulated community during the ongoing regulatory process.
- We are planning for additional discussions with state and tribal co-regulators in the near-future. I look forward to continuing our engagement and dialogue as we work to reconsider the definition of the 'waters of the United States' so that Americans receive the clarity they deserve.
- More information on WOTUS can be found on our website at [HYPERLINK "https://remoteworkplacedr.epa.gov/owa/,DanaInfo=.aovvostqGwoptorFJJQu76,SSL+redir.aspx?REF=I02pK6FzNyOqQtZ5DweWKOakcm8BPPmPPocsnyBrhb03ISgSGfVCAFodHRwOi8vd3d3LmVwYS5nb3Yvd290dXMtcnVsZQ.." \t "_blank"].

CERCLA/EPCRA Reporting

Draft Internal TPs on Potential RQ Rule

- In the event legislation does not pass before the Court issues its mandate, EPA has been looking into potential adjustments that could be made within the agency's statutory authorities for reporting manure air emissions.
- EPA is looking into potentially proposing adjustments to the reportable quantities (RQs) for ammonia and hydrogen sulfide for air releases from animal waste under CERCLA (and conforming changes under EPCRA). We view this as a Plan B.
- The proposal would request public comments on raising the RQs to either 1,000 or 5,000 lbs/day, which would relieve more of the regulated community from the burden of reporting, as well as allow EPA and other emergency response agencies to better focus resources on protecting public health and the environment.
 - Small and medium operations would likely be exempted at 1,000 lbs/day, and all but the largest beef cattle and swine operations would be exempted at 5,000 lbs/day.
 - These are the highest RQ levels that could be proposed due to their defensibility.
- The agency needs to work on such a proposal now in order to have the option of finalizing a rulemaking in time before operations would begin filing 30-day reports in June (which would include more detailed information farms are concerned about reporting).
 - We are currently looking at potentially publishing a proposal for public comments in late March.
- We do not intend to interfere with legislative activity around exempting animal agriculture from CERCLA reporting, which would be considered more durable than potential rulemaking.

Official Background/TPs from OEM *(not updated re: RQ rule)*

Issue: Due to a recent court decision, farms (including ranches, livestock operations and/or animal operations) will soon be required to report hazardous substance air releases from animal waste under the **Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)** when they release hazardous substances from animal waste in amounts greater than or equal to their reportable quantity within a 24-hour period.

Background:

- In **2008**, EPA published a final rule that exempted farms from reporting hazardous substance air releases from animal waste under CERCLA, and only large concentrated animal feeding

operations (CAFOs) were subject to reporting under the **Emergency Planning and Community Right-to-Know Act (EPCRA)**—a separate law.

- Citizen groups challenged the validity of EPA's rule, and the US Court of Appeals for the DC Circuit struck down EPA's rule on **April 11, 2017**.
- The Court was expected to issue its mandate by **January 22, 2018**. On Friday, **January 19, 2018**, EPA filed a motion with the D.C. Circuit Court of Appeals to further delay issuance of the mandate.
- **No reporting is required until the Court issues its order**, or mandate, enforcing its decision to eliminate the reporting exemptions for farms.
- Once the Court issues its mandate, however, farms with animal operations that release certain amounts of hazardous substances will be required to report these air emissions.
- If Congress passes the Fair Agricultural Reporting Method (FARM) Act that was introduced in February, farmers will be exempt from reporting air emissions from animal waste at farms under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

General Talking Points:

- The DC Circuit Court of Appeals was expected to issue its mandate by January 22, 2018. On Friday, January 19, 2018, EPA filed a motion with the D.C. Circuit Court of Appeals to further delay issuance of the mandate.
- On February 1, 2018, the DC Circuit Court of Appeals **granted the EPA's request for an extension until May 1, 2018**.
- **No reporting is required until the Court issues its order**, or mandate, enforcing its decision to eliminate the reporting exemptions for farms.
- Once the Court issues its mandate, however, farms with animal operations that release certain amounts of hazardous substances will be required to report these air emissions.
- On **February 13, 2018** Congress introduced the Fair Agricultural Reporting Method (FARM) Act to exempt farmers (ranchers and livestock/poultry producers) from reporting air emissions from animal waste at farms under CERCLA.
- If the act passes, **farmers will be exempt from reporting air emissions from animal waste at farms under CERCLA**.

Reporting Talking Points

- **Ammonia (NH₃) and hydrogen sulfide (H₂S)** are common hazardous substances emitted from animal waste that require reporting if released to the air in amounts greater than or equal to their Reportable Quantity (RQ) of **100 lbs within a 24-hr period**.
- To comply with **CERCLA section 103** reporting requirements for air releases of hazardous substances from animal waste, farms may follow a streamlined reporting process known as “continuous release reporting”. This requires the facility owner or operator to:
 1. Notify the NRC at [HYPERLINK "mailto:farms@uscg.mil"] with the name of the farm, the location (city/town and state), and the name(s) of the hazardous substance(s) released
 2. Submit an initial written notification to the EPA Regional Office (Continuous Release Reporting Form) within 30 days
 3. One year later, submit an additional follow-up written notification to the EPA Regional Office.
- Emissions from the farm must be reviewed on an annual basis. You should also estimate emissions following any significant changes in operations that may result in statistically significant increases in emissions. You’ll also need to report any statistically significant increases in emissions.
- EPA is working on completing the **National Air Emissions Monitoring Study (NAEMS)**. NAEMS will help the agency develop methodologies to estimate emissions from a wide variety of types of CAFOs and thus better inform emission estimates from animal waste. However, that work will not be completed prior to the requirement that farms report.
- To help those who must comply with the statute’s requirement, EPA has made resources available on its website that may be helpful in estimating emissions, in addition to other related information. The following resources are available on [HYPERLINK "http://www.epa.gov/animalwaste"].
 - A **fact sheet** that provides responses to frequently asked questions (EPA is currently updating to reflect extension request)
 - A number to the **EPCRA, RMP & Oil Information Center (1-800-424-8802)** to provide information related to compliance assistance
 - An **outline of the steps** required to comply with continuous release reporting
 - A **continuous release reporting form**

- A reporting requirements **guide** for the continuous release of hazardous substances
- **Tools** to help with **emissions estimates**
- Farmers can estimate quantities of releases by relying on:
 - Past release data;
 - Engineering estimates;
 - Your knowledge of the facility's operations and release history; or
 - Your best professional judgment.(Farmers should keep a copy of the calculation for future reference.)
- EPA has provided the following resources related to this reporting requirement.
 - Email comments or suggestions on guidance materials to: [HYPERLINK "mailto:CERCLA103.guidance@epa.gov"]
 - Regional Contacts: [HYPERLINK "https://www.epa.gov/epcra/cr-erns-regional-contacts"]
 - Continuous Release Reporting Forms: [HYPERLINK "https://www.epa.gov/animalwaste"]
 - **National Response Center: 800-424-8802** or [HYPERLINK "mailto:farms@uscg.mil"].
 - See the CERCLA and EPCRA guidance for more information: [HYPERLINK "https://www.epa.gov/animalwaste"]
 - Call the EPCRA, RMP & Oil Information Center at: 1-800-424-9346 for compliance assistance

WPS and C&T

- On December 14th, EPA announced that the agency would revise certain requirements in the Agricultural Worker Protection Standard (WPS) and the Certification and Training (C&T) Rule.
 - **By the end of FY 2018**, EPA expects to publish a **Notice of Proposed Rulemaking** to solicit public input on proposed revisions to the **WPS requirements for minimum ages, designated representatives, and application exclusion zones**.
 - The compliance dates in the revised WPS published on November 2, 2015, remain in effect; the Agency does not intend to extend them.
 - Also, EPA initiated a process to revise the minimum age requirements in the **C&T rule**. EPA expects to publish a **Notice of Proposed Rulemaking** to solicit public input on proposed revisions to the rule **by the end of FY 2018**.
 - EPA has no plans to change the implementation dates in the January 4, 2017 final rule for:
 - (1) certifying authorities to submit revised certification plans and
 - (2) EPA to act on those plans;

Current web content:

[HYPERLINK "<https://www.epa.gov/pesticides/epa-initiates-rulemaking-revise-certain-aspects-agricultural-worker-protection-standard>"]

FR Notice announcing the reconsideration of the WPS: [HYPERLINK

"<https://www.federalregister.gov/documents/2017/12/21/2017-27303/pesticides-agricultural-worker-protection-standard-reconsideration-of-several-requirements-and>"]

FR Notice announcing the reconsideration of the Certification of Pesticide Applicators Rule: [HYPERLINK

"<https://www.federalregister.gov/documents/2017/12/19/2017-27302/pesticides-certification-of-pesticide-applicators-rule-reconsideration-of-the-minimum-age>"]

Dicamba

- EPA is continuing to lead efforts to assess and understand reported damage to non-target crops from the use of the herbicide dicamba to control weeds in genetically-modified cotton and soybeans.
- Since June 2017, the EPA has received reports regarding a very high number of non-target crop damage incidents involving dicamba.
- We worked with States, USDA extension agents, and registrants to develop tangible solutions to address the underlying causes leading to dicamba-related crop damage incidents in 2017. The

manufacturers voluntarily agreed to label changes that impose additional requirements for “over the top” use of these products in 2018 including:

- Classifying products as “restricted use,” permitting only certified applications with special training and those under their supervision to apply them; dicamba-specific training for all certified applicators to reinforce proper use;
 - Requiring farmers to maintain specific records regarding the use of these products to improve compliance with label restrictions
 - Limiting applications to when maximum wind speeds are below 10mph (from 15mph) to reduce potential drift
 - Reducing the times during the day when applications can occur
 - Including tank clean-out language to prevent cross contamination
 - Enhancing susceptible crop language and record keeping with sensitive crop registries to increase awareness of risk especially to sensitive crops nearby.
- Manufacturers have agreed to a process to get the revised labels into the hands of farmers in time for the 2018 use season. Each company agreed to a process to relabel products currently in the marketplace, if necessary. This may involve certain retailers relabeling the products and providing a new label or manufacturers reclaiming certain products from retailers for relabeling.
 - EPA will monitor the success of these changes to help inform our decision whether to allow the continued “over the top” use of dicamba beyond the 2018. When EPA registered these products, it set the registrations to automatically expire in 2 years to allow EPA to change the registration, if necessary.
 - **We expect that dicamba spraying may begin in April/May.**
 - **The registration for dicamba expires in November 2018, but EPA hopes to issue a final decision in advance of that date in order to help growers prepare for the 2019 growing season.**

Link to current web content and Q&As:

[HYPERLINK "<https://www.epa.gov/ingredients-used-pesticide-products/registration-dicamba-use-genetically-engineered-crops>"]

Chlorpyrifos

- EPA denied a petition by Pesticide Action Network North America and Natural Resources Defense Council to revoke all tolerances and cancel all registrations for chlorpyrifos because the science was uncertain, and the Agency wants to ensure the science is there before issuing a final decision.

Link to current web content: [HYPERLINK "<https://www.epa.gov/ingredients-used-pesticide-products/order-denying-petition-revoke-all-tolerances-pesticide>"]

Glyphosate

- EPA opened the 60-day public comment period for the draft glyphosate human health and ecological risk assessments. Comments are due by April 30, 2018.
- The draft risk assessments and supporting documents are available in glyphosate's registration review docket [HYPERLINK "<http://links.govdelivery.com/track?type=click&enid=ZWFzPTEmbXNpZD0mYXVpZD0mbWFpbGluZ2lkPTlwMTgwMzAyLjg2MzE5NzQxJm1lc3NhZ2VpZD1NREltUFJELUJVTC0yMDE4MDMwMi44NjMxOTc0MSZkYXRhYmFzZWlkPTEwMDEmc2VyaWFsPTE3MjlxODA1JmVtYWlsaWQ9a2Fpc2VyLnN2ZW4tZXJpa0BlcGEuZ292JnVzZXJpZD1rYWl3ZXIuc3Zlbi1lcmlrQGVwYS5nb3YmdGFyZ2V0aWQ9JmZsPSZtdmlkPSZleHRyYT0mJiY=&&&101&&&https://www.regulations.gov/docket?D=EPA-HQ-OPP-2009-0361>"] on [HYPERLINK "<http://links.govdelivery.com/track?type=click&enid=ZWFzPTEmbXNpZD0mYXVpZD0mbWFpbGluZ2lkPTlwMTgwMzAyLjg2MzE5NzQxJm1lc3NhZ2VpZD1NREltUFJELUJVTC0yMDE4MDMwMi44NjMxOTc0MSZkYXRhYmFzZWlkPTEwMDEmc2VyaWFsPTE3MjlxODA1JmVtYWlsaWQ9a2Fpc2VyLnN2ZW4tZXJpa0BlcGEuZ292JnVzZXJpZD1rYWl3ZXIuc3Zlbi1lcmlrQGVwYS5nb3YmdGFyZ2V0aWQ9JmZsPSZtdmlkPSZleHRyYT0mJiY=&&&102&&&http://www.regulations.gov/>"].
- After the comment period, EPA will evaluate the comments received and consider any potential risk management options for this herbicide.

For additional details read our December 2017 announcement: [HYPERLINK "<http://links.govdelivery.com/track?type=click&enid=ZWFzPTEmbXNpZD0mYXVpZD0mbWFpbGluZ2lkPTlwMTgwMzAyLjg2MzE5NzQxJm1lc3NhZ2VpZD1NREltUFJELUJVTC0yMDE4MDMwMi44NjMxOTc0MSZkYXRhYmFzZWlkPTEwMDEmc2VyaWFsPTE3MjlxODA1JmVtYWlsaWQ9a2Fpc2VyLnN2ZW4tZXJpa0BlcGEuZ292JnVzZXJpZD1rYWl3ZXIuc3Zlbi1lcmlrQGVwYS5nb3YmdGFyZ2V0aWQ9JmZsPSZtdmlkPSZleHRyYT0mJiY=&&&103&&&https://www.epa.gov/pesticides/epa-releases-draft-risk-assessments-glyphosate>"].

NMFS Biop for Chlorpyrifos, Diazinon, and Malathion

- In January 2017, EPA initiated consultation, issuing Biological Evaluations for chlorpyrifos, diazinon, and malathion.

- On December 29, 2017, the National Marine Fisheries Service (NMFS) issued their final Biological Opinion on potential effects of chlorpyrifos, diazinon, and malathion.
- The BiOp reaches “jeopardy” and “adverse modification” conclusions for 38 federally listed threatened or endangered species and 37 critical habitat units.
- On February 21, 2018, EPA initiated informal consultation with NMFS to continue to develop the methodologies that will guide the consultation process for pesticides. In the near future, EPA intends to begin a public comment period on the NMFS BiOp. EPA remains in consultation with the U.S. Fish and Wildlife Service for these same three chemicals.

NMFS has posted a statement and its BiOp online at: [HYPERLINK
"https://www.fisheries.noaa.gov/resource/document/biological-opinion-pesticides" \t "_blank"]

For more information on how EPA assesses pesticides under the Endangered Species Act, see: [HYPERLINK "https://www.epa.gov/endangered-species/assessing-pesticides-under-endangered-species-act"].

ESA and Pesticide Registration

- In January, EPA signed a Memorandum of Agreement establishing an interagency Working Group to evaluate and improve the Endangered Species Act consultation process for pesticide registration.
- The interagency Working Group includes the Department of the Interior and Department of Commerce and comes at a critical time as EPA has 700 pesticide registrations to complete by 2022.
- The Administration is taking this action to improve and accelerate the ESA consultation process, harmonize interagency efforts, and create regulatory certainty for American agriculture.

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 12/1/2017 12:34:55 AM
To: Cory, Preston (Katherine) [Cory.Preston@epa.gov]
Subject: Fwd: FOR TRANSMITTAL: Issue papers for Iowa Stops
Attachments: Waters of the United States Rulemaking_Applicability Date fact sheet.docx; ATT00001.htm; Administrator 1 pager for IA Antideg WQS 11-29-17_clean.docx; ATT00002.htm

There was an update on anti d in his memo. I believe you were copied.

Begin forwarded message:

From: "Forsgren, Lee" <Forsgren.Lee@epa.gov>
Date: November 29, 2017 at 4:45:09 PM EST
To: "Bennett, Tate" <Bennett.Tate@epa.gov>
Cc: "Campbell, Ann" <Campbell.Ann@epa.gov>, "Greenwalt, Sarah" <greenwalt.sarah@epa.gov>
Subject: FW: FOR TRANSMITTAL: Issue papers for Iowa Stops

Tate,

Here are the Office of Water briefing papers for the Administrators Iowa trip.

Regards,
Lee

D. Lee Forsgren

Deputy Assistant Administrator
Office Of Water
Environmental Protection Agency
1200 Pennsylvania Avenue, VW
Room 3219 WJCE
Washington, DC 20460
Phone: 202-564-5700
Forsgren.Lee@epa.gov

From: Bennett, Tate
Sent: Wednesday, November 29, 2017 12:04 PM
To: Ferguson, Lincoln <ferguson.lincoln@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>; Kunding, Kelly <kunding.kelly@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Gordon, Stephen <gordon.stephen@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: RE: Memo on Iowa Stops

Please see attached on Iowa. Lincoln, for your organizational purposes, here is what he needs for each day:

- <!--[if !supportLists]--><!--[endif]-->**Policy Memos for BOTH Days:** RVO (coming in shortly), CERCLA Hard Rock info from Byron, WOTUS info on 2015 proposed effective date extension(coming in shortly), Worker Protection Standard Update Jeff put together (from Michigan materials)
- <!--[if !supportLists]--><!--[endif]-->**Kentucky Specific:** Kell's BF Goodrich update, Nancy's pesticide update
- <!--[if !supportLists]--><!--[endif]-->**Iowa Specific:** The Corn Oil One Update I just sent you, Antidegradation (coming shortly from Lee F)

From: Bennett, Tate

Sent: Tuesday, November 28, 2017 6:31 PM

To: Ferguson, Lincoln <ferguson.lincoln@epa.gov>

Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>; Ford, Hayley <ford.hayley@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>; Kunding, Kelly <kunding.kelly@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Sarah Greenwalt (<greenwalt.sarah@epa.gov>) <greenwalt.sarah@epa.gov>; Gordon, Stephen <gordon.stephen@epa.gov>; Beck, Nancy <beck.nancy@epa.gov>

Subject: Memo on Kentucky Stops

Please see attached memo from OPE on the Admin's Kentucky stops this Thursday. His Iowa memo will be sent over in the AM. RJ- we are all set on talkers aside from RVO's which Mandy/Alex are getting us tomorrow.

Elizabeth Tate Bennett

Associate Administrator for Public Engagement & Environmental Education

Office of the Administrator

U.S. Environmental Protection Agency

(202) 564-1460

Bennett.Tate@epa.gov

Iowa Antidegradation Water Quality Standards

Administrator Talking Points for 12-1-17

Issue:

- EPA disapproved Iowa's Antidegradation Implementation Procedures (AIP) in January 2017. Iowa's regulation is inconsistent with the Water Quality Standards regulations.
- Iowa has requested that EPA change our disapproval to an approval.
- Without new information from the State justifying the discrepancy or the State revising its AIP rules to address the discrepancy, EPA cannot approve the State's AIP as consistent with the Clean Water Act.

Key Messages

- At every level EPA has been communicating with the State. Most recently in September 2017 Lee Forsgren, OW DAA, flew to Iowa to meet with state to listen and communicate possible resolutions. And in October 2017 David Foutouhi, OGC, met by teleconference with state to hear legal concerns.
- To change the disapproval to an approval, Iowa needs to either:
 - Revise its regulation to allow for site specific consideration in the alternatives analysis; or
 - Provide EPA with state specific justification explaining how or why all alternatives > 115% of base cost are not practicable

Background Points

- Iowa's revision to its AIP is inconsistent with 40 CFR 131.12 (a)(ii).
- IA limits economic viability to alternatives that cost less than 115% of base cost in all circumstances.
- IA's approved 2010 AIP acknowledges that alternatives >115% of base cost should be considered if implementation of the alternative would produce a substantial improvement in the discharge.
- EPA's regulations require that a range of practicable alternatives is analyzed.

Deliberative Process / Ex. 5

“WATERS OF THE UNITED STATES” RULEMAKING – PROPOSED APPLICABILITY DATE CHANGE

ISSUE: A February 28, 2017, Executive Order calls upon the EPA and the Department of the Army to consider redefining “waters of the United States” protected by Clean Water Act (CWA) programs in a manner consistent with U.S. Supreme Court Justice Scalia’s opinion in the *Rapanos* case. The agencies have since proposed two rules related to “waters of the United States.”

BACKGROUND:

- The EPA and the Army have defined “waters of the U.S.” in regulations since the 1970s, and the regulatory definition before the 2015 rule had been in place since 1986.
- The EPA and the Army promulgated a rule in June 2015 defining “waters of the United States,” which took effect in most states on August 28, 2015.
- On October 9, 2015, the U.S. Court of Appeals for the Sixth Circuit stayed the 2015 rule nationwide pending further action of the court.
- The Supreme Court heard oral arguments on October 11, 2017, regarding which court has original jurisdiction to hear the merits of the 2015 rule – the courts of appeal or the district courts. The Supreme Court could rule at any time, which could affect the nationwide stay.
- Under the stay, the agencies are relying on the 1986 regulatory definition as interpreted by the *SWANCC* and *Rapanos* Supreme Court decisions when implementing CWA programs.

TALKING POINTS:

- The agencies are pursuing a two-step approach to complying with the February 2017 Executive Order:
 - Step 1: Propose to rescind the 2015 rule and re-codify the prior regulations.
 - Step 2: Initiate a rulemaking process to reconsider the definition of “waters of the U.S.” consistent with the February 28, 2017, E.O.
- In addition, on November 16, 2017, the agencies signed a proposed rule which would establish the applicability date for the 2015 rule of two years following the finalization of the proposal.
- When finalized, this proposed rule would ensure that the 2015 rule does not become effective during this time period. This action is intended to provide greater continuity and regulatory certainty for regulated entities, the states and tribes, agency staff, and the public while the agencies continue to work expeditiously to consider possible revisions to the 2015 rule.
- Until a new regulation is in place, the agencies will continue to implement the longstanding regulatory definition, consistent with current agency guidance interpreting that definition in light of the *SWANCC* and *Rapanos* decisions, pursuant to the Sixth Circuit Court stay.

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 9/28/2017 12:14:45 PM
To: Goodin, John [Goodin.John@epa.gov]
CC: Drinkard, Andrea [Drinkard.Andrea@epa.gov]; Eisenberg, Mindy [Eisenberg.Mindy@epa.gov]
Subject: Re: pruit invite

Thank you!

On Sep 28, 2017, at 7:56 AM, Goodin, John <Goodin.John@epa.gov> wrote:

Last count was a shade under 200,000 but we expect that to be higher since it is common for commenters to submit on the last day (yesterday).

Sent from my iPhone

On Sep 28, 2017, at 7:48 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

Do you know how many comments we've received on the proposed withdraw

On Sep 22, 2017, at 5:07 PM, Drinkard, Andrea <Drinkard.Andrea@epa.gov> wrote:

Here are some TPs for WOTUS. Let me know if this works or if you need something different. Thanks.

WOTUS

· The February 28, 2017 Presidential Executive Order on "Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule" states that it is in the national interest to ensure that the Nation's navigable waters are kept free from pollution, while at the same time promoting economic growth, minimizing regulatory uncertainty, and showing due regard for the roles of Congress and the States under the Constitution.

· The E.O. directs that EPA and the Army "shall consider interpreting the term 'navigable waters'" in a manner "consistent with Justice Scalia's opinion" in *Rapanos*. Justice Scalia's opinion indicates CWA jurisdiction includes relatively permanent waters and wetlands with a continuous surface connection to relatively permanent waters.

· EPA and the Department of the Army are in the process of reviewing and revising the scope of "waters of the United States" that are protected under the Clean Water Act, and we are doing so in a two-step process.

Step One

○ On June 27, the agencies signed the step one proposed rule and it was published in the Federal Register on July 27th. The public comment period closes on September 27th. We are eager to hear any comments that you have on the step one rulemaking.

○ The proposed rule is an interim step that would re-codify the regulatory text that existed prior to 2015, providing regulatory continuity and certainty pending a forthcoming second rulemaking in which the agencies will revise the definition of "waters of the United States" in accordance with the Executive Order.

- To be clear, when final, this action would not change current practice with respect to the how the definition applies, which is consistent with Supreme Court decisions, agency guidance, and longstanding practice, given the current court stay.

Step Two

- In addition to step one, the agencies have also begun working on the step two rulemaking to revise the definition of “waters of the U.S.” This spring the agencies initiated formal consultations with state and local governments and with tribes and we are now in the process of reviewing and analyzing about 200 letters received. The letters are available on our website.
- The EPA and Department of Army are holding listening sessions to give stakeholders an opportunity to provide pre-proposal recommendations on a revised definition of “waters of the United States.” The agencies will host nine two-hour teleconferences that will be tailored to specific sectors, plus one that will be geared to the general public. We’ve just heard from small entities on a call yesterday. The agencies will also hold one in-person session for small entities, such as small businesses, small governments, and small associations.
- The agencies will also be accepting written recommendations on the step two rulemaking effort through a non-regulatory docket (EPA-HQ-OW-2017-0480) on [regulations.gov](https://www.regulations.gov). You can find a link on our website. The agencies ask that this information be submitted on or before November 28, 2017.
- Information gathered through these stakeholder sessions, in addition to the feedback the agencies are hearing through ongoing outreach to state and tribal governments, will help inform the step two rulemaking, which would revise the definition of “waters of the United States” under the Clean Water Act.
- In addition to pre-proposal outreach, the second step rulemaking to revise the definition of WOTUS will also include opportunity for public notice and comment.
- More information regarding the step one proposal and the step two pre-proposal outreach can be found on our website at www.epa.gov/wotus-rule.

Sent from my iPhone

On Sep 22, 2017, at 4:50 PM, Forsgren, Lee <Forsgren.Lee@epa.gov> wrote:

Andrea,

Can you get Tate the most recent WOTUS talking points we are using.

Lee

From: Bennett, Tate

Sent: Friday, September 22, 2017 4:48 PM

To: Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>

Cc: Ford, Hayley <ford.hayley@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>

Subject: Re: pruit invite

Hey team OW! Do you have any updates on WOTUS talking points? He's addressing a group Monday night who will be curious for an update. If not, no worries.

On Sep 22, 2017, at 4:46 PM, Stanley, Michele <mstanley@nssga.org> wrote:

Apologies, I thought I had sent everything over. I'm losing my mind! Here are the issues.

- NSSGA is interested in general terms the status of the response to the President's order on regulatory reform and what plans EPA is implementing generally. What can we expect over the next 12 months.
- In particular, an update on WOTUS would be helpful WOTUS.

There will be about 250 in the room and Kermit Frank from Dolese Brothers in Oklahoma City will be introducing him. If you'd like to see the introduction we've prepared, just let me know and I can send it over.

Regards,
Michele

From: Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]

Sent: Friday, September 22, 2017 12:53 PM

To: Stanley, Michele <mstanley@nssga.org>

Cc: Ford, Hayley <ford.hayley@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>

Subject: RE: pruit invite

Any word on the speaking topics and also roughly how many folks will be in the room? Also, who will be introducing him?

From: Stanley, Michele [<mailto:mstanley@nssga.org>]

Sent: Tuesday, September 19, 2017 8:34 PM

To: Bennett, Tate <Bennett.Tate@epa.gov>

Cc: Ford, Hayley <ford.hayley@epa.gov>

Subject: Re: pruit invite

We will circle back with you tomorrow morning. Thank you for reaching out.

Sent from my iPhone

On Sep 19, 2017, at 7:57 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

Hi Michele! Do you have a list of topics your members would like to hear about next week?

On Sep 14, 2017, at 3:02 PM, Ford, Hayley <ford.hayley@epa.gov> wrote:

Michele,

Thank you for that information. He'll be glad to know that. We look forward to it!

Hayley Ford

Deputy White House Liaison
Office of the Administrator

Environmental Protection Agency
Room: 3309C William Jefferson Clinton North
ford.hayley@epa.gov
Phone: 202-564-2022
Cell: 202-306-1296

From: Stanley, Michele [<mailto:mstanley@nssga.org>]
Sent: Thursday, September 14, 2017 1:12 PM
To: Ford, Hayley <ford.hayley@epa.gov>
Subject: Re: pruit invite

We just received confirmation that Secretary Zinke will be speaking at 5:30 after the Administrator. Let me know what all you need on that.

Michele

Sent from my iPhone

On Sep 12, 2017, at 3:23 PM, Ford, Hayley <ford.hayley@epa.gov> wrote:

Tate will run point on looping in with Comms and will reach out as it approaches.

Thanks!

Hayley Ford

Deputy White House Liaison
Office of the Administrator
Environmental Protection Agency
Room: 3309C William Jefferson Clinton North
ford.hayley@epa.gov
Phone: 202-564-2022
Cell: 202-306-1296

From: O'Neill-Kaumo, Laura [<mailto:lonell@nssga.org>]
Sent: Tuesday, September 12, 2017 3:20 PM
To: Ford, Hayley <ford.hayley@epa.gov>
Cc: Stanley, Michele <mstanley@nssga.org>; Hupp, Millan <hupp.millan@epa.gov>
Subject: Re: pruit invite

Excellent. Thank you so much. And again plug us into your Comms dept so we can coordinate in a way your team prefers.

Sent from my iPhone

On Sep 12, 2017, at 3:19 PM, Ford, Hayley <ford.hayley@epa.gov> wrote:

Hi Laura,

Yes, we are confirmed. The other event was moved so we are set to do this.

We will be in touch as it approaches but please let me know if you need anything from us.

Thank you!

Hayley Ford

Deputy White House Liaison
Office of the Administrator
Environmental Protection Agency
Room: 3309C William Jefferson Clinton North
ford.hayley@epa.gov
Phone: 202-564-2022
Cell: 202-306-1296

From: O'Neill-Kaumo, Laura [<mailto:lonell@nssga.org>]
Sent: Tuesday, September 12, 2017 1:58 PM
To: Ford, Hayley <ford.hayley@epa.gov>
Cc: Stanley, Michele <mstanley@nssga.org>
Subject: Re: pruit invite

Hi,
Are we still looking good for Mr. Pruitt?

Sent from my iPhone

On Sep 6, 2017, at 6:31 PM, Ford, Hayley <ford.hayley@epa.gov> wrote:

Hello Michele,

Thank you for completing. We would really like to do this event and would like to tentatively confirm. There is an all-day event at the White House that day and we are still determining the ask for the Administrator. We hope that we can make this work though. Would it be ok for us to confirm exact timing at a later date, when we've been able to nail down our other events for that day? We will plan for 5:10 to begin remarks for now and will let you know if that changes.

Additionally, it'd be great if you could update us when/if Secretary Zinke accepts the invitation so that the Administrator can be aware.

Thank you and we look forward to it!

Hayley Ford

Deputy White House Liaison
Office of the Administrator
Environmental Protection Agency
Room: 3309C William Jefferson Clinton North
ford.hayley@epa.gov
Phone: 202-564-2022
Cell: 202-306-1296

From: Stanley, Michele [<mailto:mstanley@nssga.org>]
Sent: Wednesday, September 6, 2017 12:43 PM
To: Ford, Hayley <ford.hayley@epa.gov>; O'Neill-Kaumo, Laura <lonell@nssga.org>
Cc: Hupp, Millan <hupp.millan@epa.gov>; Dickerson, Aaron <dickerson.aaron@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: pruit invite

Here you go! Any questions, don't hesitate it reach out.

<image001.jpg>

Michele Stanley

Director of Government Affairs
National Stone, Sand and Gravel Association
66 Canal Center Plaza, Suite 300
Alexandria, VA 22314
Direct: 703-526-1093
mstanley@nssga.org

From: Ford, Hayley [<mailto:ford.hayley@epa.gov>]

Sent: Wednesday, September 6, 2017 10:41 AM

To: O'Neill-Kaumo, Laura <lonell@nssga.org>; Stanley, Michele <mstanley@nssga.org>

Cc: Hupp, Millan <hupp.millan@epa.gov>; Dickerson, Aaron <dickerson.aaron@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>

Subject: RE: pruit invite

Laura and Michele,

Thank you for the below request. I am handling the Administrator's scheduling and would be happy to bring your request to our scheduling team. Could you please complete the attached speaking request form with as much information as you can provide? We will be able to let you know shortly if we're able to confirm.

Thank you and we appreciate the invitation!

Hayley Ford

Deputy White House Liaison
Office of the Administrator
Environmental Protection Agency
Room: 3309C William Jefferson Clinton North
ford.hayley@epa.gov
Phone: 202-564-2022
Cell: 202-306-1296

From: "O'Neill-Kaumo, Laura" <lonell@nssga.org>

To: "Bennett, Tate" <Bennett.Tate@epa.gov>

Cc: "Stanley, Michele" <mstanley@nssga.org>

Subject: Fwd: pruit invite

Tate,

Thanks for the outreach yesterday. Attached is the invitation for Mr. Pruitt. Again, we would be extremely grateful for an appearance. We can be flexible on time between 5-7pm. Also our comms department can work with yours and coordinate a message. The EPA reforms are a big priority for us and Mr Pruitt is viewed as welcomed agent of change. Please let us know.

Thank you so much!

Laura.

Sent from my iPhone

Begin forwarded message:

From: "Stanley, Michele" <mstanley@nssga.org>

Date: September 6, 2017 at 8:31:29 AM EDT

To: "O'Neill-Kaumo, Laura" <loNeill@nssga.org>

Subject: pruit invite

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 2/23/2018 3:22:01 PM
To: Cory, Preston (Katherine) [Cory.Preston@epa.gov]
Subject: FW: OW Talking Points for Western Governors Association Meeting

From: Ross, David P
Sent: Wednesday, February 21, 2018 5:14 PM
To: Brown, Byron <brown.byron@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>
Cc: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: OW Talking Points for Western Governors Association Meeting

Here you go. Please note that Region 8 may be sending additional information about a North Dakota primacy application for the underground injection control program. I'm taking a look to see if we need to provide talking points on a few other state-specific issues, but didn't want to delay these from the OW team.

WOTUS

- The EPA and the Department of the Army are in the process of reviewing and considering revisions to the scope of "waters of the United States" that are protected under the Clean Water Act, and we are doing so in a two-step process consistent with a February 28, 2017 Presidential Executive Order.
- The first step was to propose to rescind the 2015 WOTUS rule and recodify the prior regulations. We're reviewing the 685,000 comments received and we're working to review them.
- The second step is to propose a new definition of WOTUS. We've received a lot of feedback from the federalism and tribal consultations and from the series of public meetings asking for pre-proposal recommendations on a revised definition.
- Apart from this two-step process, we recently finalized a rule to change the applicability date of the 2015 WOTUS rule to February 6, 2020.
- Given the uncertainty about litigation in multiple district courts over the 2015 Rule, this action provides much needed certainty and clarity to the regulated community during the ongoing regulatory process.
- We are planning for additional discussions with state and tribal co-regulators in the near-future. On Tuesday, February 20th, we held a webinar on our Step 2 rulemaking for our state and tribal partners and we will be hosting fly-in for tribal stakeholders on March 6-7 and a State fly-in on March 8- 9.
- I look forward to continuing our engagement and dialogue as we work to reconsider the definition of the 'waters of the United States' so that Americans receive the clarity they deserve.

Conduit Theory

- Over the years, EPA has stated in a variety of contexts, but has not finalized through a rulemaking, that releases of pollutants to groundwater with a direct hydrologic connection to a jurisdictional surface water may require permits under the Clean Water Act.
- The courts have treated this issue differently, without providing clear guidance to the regulated community.
- On Tuesday, February 13, the agency signed a Federal Register notice seeking input from states, tribes and other interested stakeholders on how pollutants that are released into groundwater from point sources that have the potential to migrate through a direct hydrologic connection into a federally-protected surface water should be treated under the Clean Water Act.
- The agency wants to hear from all stakeholders about a number of key issues, including whether EPA should review and potentially revise or clarify any previous agency statements on this issue.

- The comment period will close May 21, 2018.

Pebble Mine

- In 2014 the Obama Administration issued what was widely considered a preemptive veto of the Pebble Limited Partnership mining project. This effectively brought the mine's application process and, more importantly, due process to a halt. Litigation resulted and continued into this Administration.
- Last May our Administration took the first step to rescind this due process denial and allowed the Pebble mine proponents to proceed and progress through the process. In EPA's settlement with Pebble Limited Partnership, we agreed not issue a final decision until the Corps of Engineers issues a Final Environmental Impact Statement or May 2021, whichever is earlier.
- After hearing directly from stakeholders and the people of Alaska, we announced in late January (January 26, 2018) that the agency is suspending its process to withdraw those proposed restrictions, leaving them in place while we receive more information on the potential mine's impact on the region's fisheries and natural resources. At this time EPA believes that any mining projects in the region would likely pose a risk to the world-class natural resources that exist there.
- This decision neither deters nor derails the application process of Pebble Limited Partnership's proposed project. The project proponents continue to enjoy the protection of due process and the right to proceed. However, their permit application must clear a high bar because the agency believes the risk to Bristol Bay may be unacceptable.
- The agency will be seeking additional public comment on the impact of the mining application on the proposed determination to better inform that analysis.

Water Infrastructure

- EPA estimates that more than \$650 billion is needed to maintain, upgrade and replace our nation's water infrastructure over next 20 years.
- Solution must be all-of-the-above strategy.

WIFIA

- In the past year EPA's Water Infrastructure Finance and Innovation Act (WIFIA) program has made significant progress toward providing credit assistance.
- In July 2017 we invited 12 projects in nine states to apply for loans. These projects will leverage more than a billion dollars in private capital, in addition to other funding sources, including the State Revolving Fund (SRF) loans, to help finance a total of \$5.1 billion in water infrastructure investments. We are working to close these loans.
- EPA intends to open another funding round when sufficient appropriations become available.

EPA's FY2019 Budget

- EPA is also working to support this Presidential priority by supporting water infrastructure investments through the Clean Water State Revolving Fund (CWSRF), the Drinking Water State Revolving Fund (DWSRF), and the Water Infrastructure Finance and Innovation Act (WIFIA) program.
- EPA's FY2019 proposed budget includes \$2.26 billion for the State Revolving Funds and \$20 million for WIFIA. The budget request includes \$84 million for drinking water programs to continue to partner with states, utilities, and other stakeholders to identify and address current and potential sources of drinking water contamination.

State Assumption of the CWA Section 404 program (Arizona and Oregon have previously expressed interest):

- EPA is working to facilitate state and tribal efforts for Clean Water Act Section 404 Program Assumption, through technical assistance, grants and other efforts.
- In June 2017, the Assumable Waters Federal Advisory Committee Act (FACA) Subcommittee submitted its report to EPA with recommendations for clarifying assumable waters.
- We are currently working to respond to the committee recommendation. EPA is committed to working actively with states to respond to the needs of the individual states who wish to assume the program.

Puget Sound No Discharge Zone:

- In July 2016, the Washington Department of Ecology issued a petition to the EPA to establish a No Discharge Zone (NDZ) ban on vessel sewage discharge in Puget Sound area waters.
- The decision to petition EPA came after more than four years of evaluation by the state, an extensive stakeholder outreach effort, and a public review period for a draft petition.
- In February 2017, EPA Region 10 determined that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for waters of Puget Sound. This determination is required by the Clean Water Act for a state to then proceed to finalize the proposed designation in accordance with state law.
- Washington Department of Ecology recently proposed a new rule to establish the NDZ. The public comment period opened on October 4, 2017 and closed on November 30, 2017.

Proposed Aluminum Aquatic Life Criteria Applicable to Oregon:

- EPA is under a consent decree deadline (from a Northwest Environmental Advocates lawsuit) to propose aluminum aquatic life criteria for the state of Oregon by 3/15/18.
- EPA is working with DOJ to request an extension in order to allow time for EPA to publish a final national 304(a) recommendation for aluminum before proposing aluminum criteria for Oregon. No decision to date.

Water Quality Standards for the state of Washington:

- On November 15, 2016, EPA approved 45 human health criteria (HHC) and disapproved 143 HHC submitted by Washington. EPA issued a final rule that revised certain HHC applicable to Washington's waters. EPA also approved Washington's revisions to its variance and compliance schedule provisions, which give the state and affected industries and municipalities reasonable flexibility and time to implement these new standards while making reasonable progress in improving water quality.
- On December 28, 2016, the WQS became effective for CWA purposes.
- There is no current litigation on EPA's federal rule for HHC in Washington. However, on February 21, 2017, Northwest Environmental Advocates filed a complaint regarding EPA's failure to respond to its 2013 petition for rulemaking under the Clean Water Act to update Washington's human health and aquatic life criteria. EPA denied the petition on May 31, 2017, and the litigation was dismissed. We are currently responding to a related FOIA request from Northwest Environmental Advocates for all information that EPA considered in responding to the petition.
- Also on February 21, 2017, several industry groups (including Association of Washington Businesses, Northwest Pulp & Paper Association, and American Forest & Paper Association) filed a petition requesting EPA reconsider its action on the state rule and repeal or withdraw the federal rule. Within five months of EPA receiving the industry petition, Earthjustice (on behalf of Waterkeepers Washington), Northwest Indian Fisheries Commission, and the Jamestown S'Klallam Tribe sent EPA letters requesting that EPA deny the petition.
- EPA and the State of Washington are actively engaged in collaboration with stakeholders on implementation of the HHC for PCBs, especially in the Spokane River, where EPA is a participant on the Spokane River Regional Toxics Task Force, along with affected parties such as the City of Spokane.
- Washington is considering several Clean Water Act regulatory tools, such as variances and compliance schedules, and other strategies to reduce levels of toxic pollutants, such as PCBs. The tools provide a greater degree of regulatory certainty, while continuing to evaluate options to reduce PCBs and other pollutants discharged to the Spokane River.

PFAS Talking Points (Note: we understand there may be PFAS issues in Alaska and Colorado):

Key message: Protecting public health is EPA's highest priority and EPA is working to ensure that states, tribes and communities have the tools they need to address PFAS.

- Administrator Pruitt directed a cross agency group to develop an action plan to address the needs of impacted communities.
- The group is working to identify near-term actions to support local communities; enhance coordination with states, tribes and federal partners; increase ongoing research efforts; and expand proactive communications.
- EPA is providing technical assistance to states and communities as we work together to address drinking water contamination from other PFAS.

- In 2016, EPA issued a health advisory of 70 parts per trillion (ppt) for PFOA and PFOS in drinking water to provide drinking water system operators, and state, tribal and local officials with information on the health risks of these chemicals, so they can take the appropriate actions to protect their residents.

From: Brown, Byron

Sent: Wednesday, February 21, 2018 1:40 PM

To: Ross, David P <ross.davidp@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>

Cc: Bennett, Tate <Bennett.Tate@epa.gov>

Subject: RE: OW Talking Points for Western Governors Association Meeting

Just a reminder to send any OW related talking points for the upcoming Western Governors meeting. Let Tate and me know if you have any questions. Thanks.

From: Brown, Byron

Sent: Friday, February 16, 2018 2:39 PM

To: Ross, David P <ross.davidp@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>

Cc: Bennett, Tate <Bennett.Tate@epa.gov>

Subject: OW Talking Points for Western Governors Association Meeting

The Administrator is scheduled to host the Western Governors Association on Sunday Feb. 25, and I am working with Tate to pull together a set of talking points. So far we expect the governors of Alaska, Colorado, Hawaii, Kansas, Montana, North Dakota, New Mexico, Nevada, Oregon, South Dakota, Utah, Washington, and Wyoming to attend.

Can you send us updated talking points for the meeting on WOTUS, Pebble Mine, state assumption, Puget Sound no discharge zone, conduit theory, water infrastructure, and any other hot-button water issues involving these states? We'd like to get drafts by COB on Wednesday 2/21 if possible. Let Tate and me know if you have questions. Thanks.

Byron R. Brown

Deputy Chief of Staff for Policy

Office of the Administrator

U.S. Environmental Protection Agency

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 6/21/2018 7:49:57 PM
To: Drinkard, Andrea [Drinkard.Andrea@epa.gov]
CC: Wildeman, Anna [wildeman.anna@epa.gov]; Campbell, Ann [Campbell.Ann@epa.gov]; Lieberman, Paige [Lieberman.Paige@epa.gov]
Subject: Re: For tomorrow- Missouri River talkers

Thanks. Really appreciate it. The event may be on hold now but will let you know.

On Jun 21, 2018, at 2:12 PM, Drinkard, Andrea <Drinkard.Andrea@epa.gov> wrote:

Hi Tate,

Anna asked us to pull together some talkers for MO. See below. Anna has reviewed these. Also, can you share what you have for WOTUS. There may be a few tweaks to what we sent up last week, I just want to double check, if that's helpful.

Please let us know if you have any questions and thanks to Paige for pulling these together.

-Andrea-

**Missouri Lakes Water Quality Standards
June 21, 2018**

Talking Points

- One of my priorities for EPA is to work collaboratively with states, local governments and tribes to implement our environmental laws. We're bringing cooperative federalism back to EPA because we know that we're more efficient and effective when we work together with our state, local and tribal partners who know their issues and resources best.
- When we work together we form a foundation of trust, transparency and collaboration that helps us when questions arise on proposals, so that we can reach a better understanding with our state partners.
- That's what we are doing with Missouri. In fact, the state of Missouri recently submitted additional information, in response to questions we had, and those materials are under review right now.
- Nutrient pollution is one of the biggest issues facing the water regulation industry today.

Background

In 2009, Missouri submitted to EPA for review and approval numeric criteria for total nitrogen (TN), total phosphorus (TP) and chlorophyll a (chl-a) for the State's lakes and reservoirs. EPA acknowledged the importance of Missouri's proactive efforts to address nutrient pollution by adopting numeric nutrient criteria.

However, EPA concluded that Missouri had failed to demonstrate the criteria would protect the State's designated uses consistent with CWA statutory and EPA regulatory requirements and disapproved most of Missouri's criteria on August 16, 2011.

On February 24, 2016, the Missouri Coalition for the Environment (MCE) sued EPA for failure to perform its mandatory duty under the CWA to propose and promulgate criteria to address EPA's 2011 disapproval.

Under the terms of an existing consent decree, the EPA shall sign a notice of final rulemaking by December 15, 2018, unless the EPA approves Missouri's WQS submission, deeming it to have addressed the EPA's August 2011 disapproval. The EPA will not proceed with final rulemaking if it approves Missouri's WQS submission before December 15, 2018.

From: Campbell, Ann
Sent: Thursday, June 21, 2018 10:58 AM
To: Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Subject: FW: For tomorrow- Missouri River talkers

Ann Campbell
Chief of Staff (acting)
Office of Water

From: Wildeman, Anna
Sent: Thursday, June 21, 2018 10:47 AM
To: Campbell, Ann <Campbell.Ann@epa.gov>
Subject: Fwd: For tomorrow- Missouri River talkers

Begin forwarded message:

From: "Bennett, Tate" <Bennett.Tate@epa.gov>
Date: June 21, 2018 at 10:22:43 AM EDT
To: "Wildeman, Anna" <wildeman.anna@epa.gov>
Cc: "Ross, David P" <ross.davidp@epa.gov>, "Forsgren, Lee" <Forsgren.Lee@epa.gov>, "Jackson, Ryan" <jackson.ryan@epa.gov>, "Bolen, Brittany" <bolen.brittany@epa.gov>, "Daniell, Kelsi" <daniell.kelsi@epa.gov>, "Ferguson, Lincoln" <ferguson.lincoln@epa.gov>, "McDonough, Owen" <mcdonough.owen@epa.gov>
Subject: Re: For tomorrow- Missouri River talkers

Correct. Apologies- Lakes is the issue. Not river

On Jun 21, 2018, at 9:59 AM, Wildeman, Anna <wildeman.anna@epa.gov> wrote:

We are working on Missouri lakes water quality standards and I can provide whatever you need on that. If we need something on rivers we'll need to pull that together.

On Jun 21, 2018, at 9:41 AM, Ross, David P <ross.davidp@epa.gov> wrote:

Missouri lakes? If so, I think we have some as part of a briefing with the administrator later today. Anna and

Owen are running point on it. They will work with you on what you need for tomorrow. Thanks.

Sent from my iPhone

On Jun 21, 2018, at 9:35 AM, Bennett, Tate
<Bennett.Tate@epa.gov> wrote:

Dave/ Lee-

The Admin is doing a last min trip with Perdue to the Kansas City area tomorrow and MO Ag Secretary Chris Chinn will be moderating a panel they are on. Chinn's staff already mentioned that Missouri River water quality standards will come up at some point. Do you guys have talking points on this? I know he just had a call with the Governor on this last week. Also, are last week's wotus talkers still sufficient?

Sorry for the late notice. We just locked in the trip yesterday ourselves. Thanks in advance for any help!


Elizabeth Tate Bennett
Associate Administrator for Public
Engagement & Environmental
Education
Office of the Administrator
U.S. Environmental Protection Agency
(202) 564-1460
Bennett.Tate@epa.gov

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 2/9/2018 3:43:52 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
CC: Gordon, Stephen [gordon.stephen@epa.gov]; Ferguson, Lincoln [ferguson.lincoln@epa.gov]; Daniell, Kelsi [daniell.kelsi@epa.gov]; Beach, Christopher [beach.christopher@epa.gov]; McMurray, Forrest [mcmurray.forrest@epa.gov]; Hupp, Millan [hupp.millan@epa.gov]; Ford, Hayley [ford.hayley@epa.gov]; Kunding, Kelly [kunding.kelly@epa.gov]; Bowman, Liz [Bowman.Liz@epa.gov]; Dunn, Alexandra [dunn.alexandra@epa.gov]; Bowman, Liz [Bowman.Liz@epa.gov]; Letendre, Daisy [letendre.daisy@epa.gov]; Sarah Greenwalt [greenwalt.sarah@epa.gov] [greenwalt.sarah@epa.gov]; Wagner, Kenneth [wagner.kenneth@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]; Cory, Preston (Katherine) [Cory.Preston@epa.gov]
Subject: Talkers/ Backgrounders for New England
Attachments: LeadUpdate.docx; BiomassUpdate.docx; Wood Procurement.docx; New England Air Issues.docx; FY 2019 Budget Overview_v3.docx; EPA PFAS one pager for Adm Pruitt V2_k.docx; FY 2019 Budget Overview_v3.docx; NHWaterIssues.docx; NH Issues.docx; Senator Hassan Feb 2 2018.pdf

<!--[if lte mso 15 || CheckWebRef]-->

Bennett, Tate has shared a OneDrive for Business file with you. To view it, click the link below.

 northfield mountain.docx

<!--[endif]-->

RJ—

Just wanted you to see everything that has come in so far. SP is now flying out early Tuesday AM as a side note.

Still waiting on the agency-wide biomass letter. OAR already sent us talking points on it (attached)—just waiting on the actual letter which was sent to the other agencies for edits yesterday.

Forrest/Lincoln plan to assemble the binder on Monday AM. It will include these attached and any additional/revised final briefing materials/talkers, the biomass letter, an events memo from OPE, and pocket cards done by Chris B for each event— OPE will also send all of these docs to the group traveling on Monday as well.

Also, I wanted to flag for you the below NH Congressional delegation press release on the Coakley Landfill SF Site (which we are not visiting). I spoke with Alex Dunn (also cc'd here), and she didn't see any issue with our not visiting since EPA is already doing its part here----an investigation is already underway. The Region has already sent response letters to Shaheen, Hassan Shea-Porter and Kuster saying we should have some preliminary results by summer. We will make sure the Admin is up to speed (it's included in these briefing materials) before he does NH press. Alex's response letter to the MOC's is attached in case you want to see.

Tate

FOR IMMEDIATE RELEASE

Friday, January 26, 2018

Contact: Aaron.Jacobs@hassan.senate.gov, Ricki.Eshman@hassan.senate.gov

New Hampshire Congressional Delegation Calls on EPA to Ensure That Deep Bedrock Investigation at Coakley Landfill Is Completed Without Delay

WASHINGTON – U.S. Senators Jeanne Shaheen and Maggie Hassan, along with Representatives Carol Shea-Porter and Annie Kuster, yesterday sent a letter calling on the U.S. Environmental Protection Agency (EPA) to ensure that the deep bedrock investigation at Coakley Landfill is conducted as quickly as possible. The delegation also called on the EPA to ensure that the public is kept informed throughout the process.

“We applaud the United States Environmental Protection Agency (EPA) Region 1 for formally requesting a deep bedrock investigation at Coakley Landfill, but we would also encourage you and your staff to ensure that this work begins as quickly as possible,” **the delegation** wrote. “Protecting the health and well-being of our citizens and our environment is one of the most important roles of government. The EPA must continue to work quickly to assess the conditions at the Coakley Landfill Site and ensure that the remedy at the site is protective of both short and long-term health.”

Then-Governor Hassan established the New Hampshire Governor’s Task Force on the Seacoast Cancer Cluster in 2016. Senator Hassan cosponsored legislation requiring the EPA to set federal safety guidelines for perfluorinated compounds and to identify a threshold of expected risk to health for PFCs within two years. Senator Shaheen introduced bipartisan legislation, which Senator Hassan cosponsored, to proactively empower the EPA to better respond to potential water contamination crises from emerging contaminants like PFCs. Additionally, Senator Shaheen’s amendment establishing the first-ever nationwide study on the potential health implications of exposure to PFC contamination was included in the annual defense legislation that was signed into law by the President last month.

Shea-Porter led efforts in the House of Representatives to authorize and secure funding for the health impact study, successfully passing legislation in the FY2018 National Defense Authorization. Additionally, Shea-Porter led a bipartisan letter, joined by Kuster, to Congressional appropriators urging an initial \$7 million to launch the health impact investigation, and in August she secured an amendment to fund the study, which the House passed with unanimous support as part of its Defense Appropriations bill. An amendment cosponsored by Congresswoman Kuster was included in the House version of the FY 2018 NDAA, which required a study of the health effects on individuals exposed to perfluorooctane sulfonate and perfluorooctanoic acid from firefighting foams used at military installations.

Click [here](#) or see below for the full text of the letter:

January 25, 2018

Alexandra Dunn
Administrator, Region 1
U.S. Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, Massachusetts 02109

Dear Ms. Dunn:

We write today regarding the recent letter to Mr. Peter Britz from Mr. Gerardo Millán-Ramos, Remedial Project Manager for the Coakley Landfill Superfund Site, formally requesting a deep bedrock investigation at the site. We applaud the United States Environmental Protection Agency (EPA) Region 1 for formally

requesting a deep bedrock investigation at Coakley Landfill, but we would also encourage you and your staff to ensure that this work begins as quickly as possible.

As you are aware, in September 2017, EPA Region 1 released the addendum to the fourth Five-Year Review for the Coakley Landfill Superfund Site. In the addendum, EPA identified that “the knowledge about groundwater flow and the fate and transport of site contaminants of concern (COCs) in the deep bedrock is very limited”. The recommended action outlined in the addendum was that the Coakley Landfill Group, the potentially responsible party (PRP) for the Coakley Landfill Superfund Site, conduct a deep bedrock investigation to address the data gaps and possible transport of contaminants from the site. Since the deep bedrock investigation is projected to take approximately two years, it is essential that the EPA avoid delays in completing this critical work.

Protecting the health and well-being of our citizens and our environment is one of the most important roles of government. The EPA must continue to work quickly to assess the conditions at the Coakley Landfill Site and ensure that the remedy at the site is protective of both short and long-term health.

Thank you for your ongoing efforts at the Coakley Landfill Superfund Site. We look forward to continuing to work with you and EPA Region 1 to address the public health and environmental concerns of Granite Staters.

Sincerely,

Elizabeth Tate Bennett
Associate Administrator for Public Engagement & Environmental Education
Office of the Administrator
U.S. Environmental Protection Agency
(202) 564-1460
Bennett.Tate@epa.gov

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 2/22/2018 11:23:40 PM
To: Cory, Preston (Katherine) [Cory.Preston@epa.gov]
Subject: FW: Western Governors Association
Attachments: Western Govenors Assoc 0218 (002).docx

From: Erikson, Linda **On Behalf Of** Hladick, Christopher
Sent: Wednesday, February 21, 2018 5:52 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: FW: Western Governors Association

Here are the talking points and issues for R10.

From: Bennett, Tate
Sent: Friday, February 16, 2018 3:16 PM
To: Idsal, Anne <idsal.anne@epa.gov>; Gulliford, Jim <gulliford.jim@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Strauss, Alexis <Strauss.Alexis@epa.gov>
Cc: Brown, Byron <brown.byron@epa.gov>
Subject: Western Governors Association

The Administrator is scheduled to host the Western Governors Association on Sunday Feb. 25, and I am working with Bryon to pull together a set of talking points on different issues that may surface. So far, we expect the governors of Alaska, Colorado, Hawaii, Kansas, Montana, North Dakota, New Mexico, Nevada, Oregon, South Dakota, Utah, Washington, and Wyoming to attend.

Would those of you representing these states please send us a list of hot-button, local issues accompanied by status updates and suggested talking points? Bullet points are fine, and we'd ask that your status updates and talking points be no longer than a page for each issue. You also might focus primarily on topics you know for certain will arise. Checking recent meeting schedules or incoming/outgoing correspondence from these Governors might be helpful.

HQ Program Offices will prepare updates/talking points on major national issues such as NAAQ's, WOTUS, CPP, CERCLA 108b. We are mostly looking to our RA's to identify (and update us on) more local issues that may surface. We'd like to get draft talking points by COB on Wednesday 2/21 if possible.

Let Byron and I know if you have any questions. Thanks.

Elizabeth Tate Bennett
Associate Administrator for Public Engagement & Environmental Education
Office of the Administrator
U.S. Environmental Protection Agency
(202) 564-1460
Bennett.Tate@epa.gov

Western Governor's Association Summary of Issues and Talking Points

Region 10

Alaska

Pebble Mine

Governor Walker was appreciative of the Administrator's recent announcement to not withdraw EPA's proposed determination.

Background and messaging from most recent news release:

- In 2014 the Obama Administration issued what was widely considered a preemptive veto of the Pebble Limited Partnership mining project. This effectively brought the mine's application process and, more importantly, due process to a halt. Litigation resulted and continued into this Administration.
- Last May our Administration took the first step to rescind this due process denial and allowed the Pebble mine proponents to proceed and progress through the process. In EPA's settlement with Pebble Limited Partnership, we agreed not issue a final decision until the Corps of Engineers issues a Final Environmental Impact Statement or May 2021, whichever is earlier.
- After hearing directly from stakeholders and the people of Alaska, we announced in late January (January 26, 2018) that the agency is suspending its process to withdraw those proposed restrictions, leaving them in place while we receive more information on the potential mine's impact on the region's fisheries and natural resources. At this time EPA believes that any mining projects in the region would likely pose a risk to the world-class natural resources that exist there.
- This decision neither deters nor derails the application process of Pebble Limited Partnership's proposed project. The project proponents continue to enjoy the protection of due process and the right to proceed. However, their permit application must clear a high bar because the agency believes the risk to Bristol Bay may be unacceptable.
- The agency will be seeking additional public comment on the impact of the mining application on the proposed determination to better inform that analysis.

Permitting Large Projects/Compensatory Wetlands Mitigation

Alaska Natural Gas line and other major resource development projects are receiving NEPA and CWA 404 review. Governor Walker may be wondering if EPA has any special needs or requirements that could impact the pace of permitting these projects.

EPA and Army Corps senior leaders plan to meet in April to discuss developing a framework to continue to work together on compensatory mitigation issues in Alaska. In addition, senior leaders plan to discuss how to effectively re-engage the Statewide Interagency Review Team (SIRT) so that compensation-related challenges can be resolved at the state level.

Climate Change

Governor Walker may share his view that there are significant impacts related to climate change to Alaska communities that cannot be ignored (coastal erosion and melting permafrost) with the expectation that the federal government would continue in an appropriate role to participate in planning for and addressing catastrophic events.

Fairbanks Air Quality

Background: Fairbanks North Star Borough is designated as a serious nonattainment area for fine particulate pollution (PM_{2.5}). The problem is driven by temperature inversions which trap wood smoke from home heating on the coldest days. It's been technically and politically challenging and EPA is working with Alaska and the Borough on three issues that have been raised to the Administrator's Office:

- Providing maximum flexibility on state implementation plan submission dates,
- Addressing air quality monitoring issues, and
- Splitting the nonattainment area in two: 1) A Fairbanks area likely to attain the standard within a few years, and 2) A North Pole area which could take many years to attain the standard since it has the highest PM_{2.5} concentrations in the nation.

Administrator Message: While EPA stands ready to propose granting the split request, we would like to pause long enough to explore, with Alaska, innovative approaches to encourage stationary sources to help solve the residential wood smoke problem (in lieu of otherwise required pollution controls). Region 10 believes more resources are needed to solve the residential wood smoke problem and attain the standard. The Borough's wood burning curtailment program is essential to attaining the standard, however, residents are vehemently opposed to restrictions on burning wood and the added costs of cleaner heating alternatives (oil/gas furnaces). Residents will be voting on a referendum to strip the Borough of its authority and, if successful, the state would need to assume responsibility to implement and enforce a curtailment program. The EPA has assisted with the curtailment program by awarding a \$2.5M targeted air-shed grant in 2017 and will soon announce another \$4M grant in 2018.

Idaho

Hells Canyon Site-Specific Criterion for Temperature

Background: Since 2003, the Idaho Power Company has been in the process of renewing its FERC license for the Hells Canyon Dam Hydroelectric Complex on the Snake River, which requires CWA 401 certifications from Oregon and Idaho because both states' water quality standards apply to the Snake River downstream of Hells Canyon. In December 2017, EPA received a letter from Governor Otter requesting that we act on Idaho's temperature criterion revision, from 13C to 14.5C. The site-specific criterion was submitted to EPA in June 2012. EPA has not yet taken action on Idaho's site-specific temperature standard and instead is coordinating with the Department of Environmental Quality and others on the re-licensing process. Regardless of EPA's action on Idaho's revised criterion, the 13C temperature criterion would remain in place for Oregon's half of the Snake River downstream of the dam. Idaho and Oregon has been working on a 401 certification mitigation program to meet both states' existing temperature criteria of 13C.

Administrator Message: I have asked our new Region 10 Administrator to engage with Idaho, as well as Oregon, to help wrap up the water quality certification process needed for relicensing. That work will include discussing next steps on Idaho's Site Specific Criterion.

Idaho Human Health Criteria

Background: In 2006, Idaho submitted revised human health criteria (HHC) using the EPA's national criteria recommendations at the time, including a Fish Consumption Rate (FCR) of 17.5 g/day and Cancer Risk Level (CRL) of 10^{-6} . EPA disapproved the submission in May 2012 because Idaho did not adequately demonstrate that the criteria protect the designated uses. In December 2016, following completion of the state and tribal fish consumption rate surveys, Idaho submitted revised criteria to EPA based on a FCR of 66.5 g/day and a CRL of 10^{-5} . Idaho's position is that the HHC are derived/developed consistent with EPA's 2000 Human Health Methodology. However, subsequent agency guidance (e.g., Environmental Justice national guidance) recommend consideration of tribal treaty rights and, where applicable, subsistence fish consumption rates when developing water quality standards. The tribal surveys conducted by EPA show upper percentile FCRs similar to the 175 g/day FCR used in deriving HHC in Oregon and Washington.

Administrator Message: We recognize this issue, along with taking on the waste water permitting program, as Idaho's highest priorities in water quality. I know my staff are working toward completion of our review and action on Idaho's standards.

Idaho NPDES Program Authorization

Background: In 2014 the Idaho Legislature directed the Idaho Department of Environmental Quality (IDEQ) to seek EPA authorization for a state-operated pollutant discharge elimination system permitting program (IPDES). Idaho is one of only four states that does not have NPDES authority. Over a two-year period, the state conducted a comprehensive effort to develop the IPDES program. IDEQ provided extensive opportunities for public involvement throughout the effort. On August 31, 2016, IDEQ submitted a complete program application to EPA. IDEQ requested to extend the application review period and to target July 1, 2018 for transfer of permit authority. DEQ is planning to phase the transfer of the program from EPA by sectors, starting with municipal facilities transferring on July 1, 2018, and the final sector transferring on July 1, 2021.

Administrator Messages: Transfer of permit authority will increase the state's ability to make decisions on how to regulate industrial and municipal facilities in the State of Idaho. Delegation of this authority to the state, consistent with Clean Water Act requirements, aligns with EPA's strategic initiative of cooperative federalism. The process followed by IDEQ in developing this program, under a foundation of transparency and early and ongoing collaboration with its stakeholders, is also consistent with the principles of cooperative federalism.

Infrastructure

Idaho has the fastest population growth rate in the US, and the growth is putting increasing strains on current infrastructure. Idaho's CW-SRF is fully utilized, with many more communities needing funding than the CW-SRF can support. Communities need SRF loans to build and expand POTWs for growth and to meet regulatory requirements. A recent example is the City of Nampa's (3rd largest in Idaho) recent letter to Administrator Pruitt expressing concerns over the City's ability to afford POTW upgrades).

Other infrastructure needs, include highway funds for road/bridge expansion and repair, and broadband investments to bring internet connections to rural and remote communities.

Oregon

Portland Harbor Site

Background:

- Portland Harbor, added to the National Priorities List in 2000, has high industrial contamination that requires cleanup in the Willamette River.
- In 2016, ten parties completed the Remedial Investigation/Feasibility Study, which focused on 10 river miles between downtown Portland and the confluence with the Columbia River.
- In 2017, EPA selected the remedy, which is estimated to cost \$1.05 billion dollars in present value and will take approximately 13 years to complete construction.
- EPA recently signed agreements with groups of responsible parties for site-wide baseline sampling and for cleanup design at two hotspot areas.

Messages:

- I am prioritizing the cleanup of Superfund sites, and Portland Harbor is on EPA's list of Superfund sites targeted for immediate and intense action.
- The state of Oregon is our partner in this cleanup. The source control work lead by Oregon DEQ is critical to the long-term success of the cleanup and we appreciate your partnership and leadership on this.
- Our focus is on working with the state, the responsible parties, tribes and stakeholders to continue to move the cleanup forward.
- We've made good progress related to baseline sampling and early action cleanups. These are significant accomplishments that will result in getting work done on the ground and getting cleanup moving.
- EPA is also working closely with state and local partners to update fish advisories and develop an outreach program to better inform vulnerable people about risks from eating contaminated resident fish.
- EPA and Oregon are also leading a watershed strategy to identify potential upstream contributors to the contamination in the Willamette River. Our Office of Land and Emergency Management has provided \$100,000 of Preliminary Assessment/Site Investigation funding to Oregon to assess sites identified by the watershed strategy.

Approval of Oakridge, Oregon PM2.5 SIP and Finding of Attainment

R10 recently approved the updated Oakridge PM2.5 Attainment Plan and finalized a finding of attainment and clean data determination for Oakridge, Oregon. Data from 2014-2016 confirms that Oakridge is now in attainment for the 2006 24-hour PM2.5 standard. This comes as a result of good collaboration between EPA and the Lane Regional Air Protection Agency through community-based efforts to improve air quality.

Climate Change

Since taking office in 2015, Governor Brown has defended and directed agency implementation of a “clean fuels program” and law that bolsters the use of cleaner-burning vehicle fuels in Oregon. The Clean Fuels Program rulemaking package was adopted by the Oregon Environmental Quality Commission in November 2017 and reporting begins in the first quarter of 2018.

Two separate but similar bills in the Oregon Legislature have also both been moved out of their committees of origin for further consideration this session. These bills propose statewide cap and trade controls for greenhouse gases. Governor Brown has been reported to be very supportive of these bills.

Washington

Climate Change

Governor Inslee may raise concerns about the impact of a changing climate on natural resources in Washington (e.g. impacts on river temperatures that negatively affect salmon runs), and the need to be proactive to address this issue. This legislative session Governor Inslee proposed the first in the nation carbon tax bill. If passed, its revenues would fund clean-energy projects around the state, such as helping more people pay for energy-saving insulation in their homes, incentivizing further use of electric vehicles and buses, building more solar panels, supporting development of other clean energy technology, and updating irrigation and water management systems.

Funding/Budget

Governor Inslee may raise concerns about the President’s proposed FY 2019 budget and its impacts on Washington. In particular, he is concerned about the proposed elimination of funding for the Puget Sound National Estuary Program, as well as Pacific Coastal Salmon Recovery Funds. His concerns (like that of most governors) are twofold – first, the impact of reduced federal funding on these important programs, and second, impact of federal cuts on state coffers and state agency staff who would then be charged with implementing these critical environmental programs, placing an additional burden on already resource-strapped state agencies.

Hanford Site

Background:

- The Hanford site, adjacent to the Columbia River in Washington State, covers 580 square miles and is one of the largest and most complex cleanup projects in the U.S.
- In 1989, Hanford was placed on the National Priorities List under four separate listings.
- Hanford's budget is approximately \$2 billion/year. It is estimated that the Hanford cleanup will cost another \$100 billion and take 50 years to complete.
- Hanford is central to numerous Department of Energy weapons complex issues getting national attention, including budget and cleanup efficiency.
- Cleanup progress, worker safety, tank waste treatment, and the potential for incidents from aging facilities are the issues receiving the most attention from stakeholders and the public.
- The spread of radioactive contamination, including on personal vehicles, is a current issue that arose from inadequate controls during the demolition of the Plutonium Finishing Plant. Workers

are concerned about their health, and the Washington State Department of Health has written the Department of Energy, expressing concern.

Messages:

- I am prioritizing the cleanup of Superfund sites.
- Hanford is very important to both Washington and Oregon, with significant engagement by four tribes and the Hanford Advisory Board, which represents 32 interest groups.
- We have made substantial progress towards cleanup: over 1300 waste sites cleaned up; almost 900 facilities demolished and disposed of; 18 million tons of contaminated soil and debris deposited in the on-site landfill; and 18 billion gallons of groundwater treated.
- Recent incidents indicate a need for increased focus on protecting cleanup workers from exposure to radioactive contamination.

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 2/22/2018 8:57:47 PM
To: Cory, Preston (Katherine) [Cory.Preston@epa.gov]
Subject: Fwd: Administrator Briefing Papers for WGA
Attachments: Region 9 NV Briefing Paper Anaconda Update February 2018.docx; ATT00001.htm; Region 9 NV Briefing Paper Tronox February 2018.docx; ATT00002.htm; Region 9 HI Briefing Paper on Pesticides February 2018.docx; ATT00003.htm; Region 9 HI NV Briefing Paper DERA February 2018.docx; ATT00004.htm; Region 9 HI Briefing Paper Water Infrastructure February 2018.docx; ATT00005.htm; Region 9 NV Briefing Paper Eureka Smelter February 2018.docx; ATT00006.htm; Region 9 HI Briefing Paper Red Hill February 2018.docx; ATT00007.htm; Region 9 HI Briefing Paper Wastewater February 2018.docx; ATT00008.htm

Begin forwarded message:

From: "Strauss, Alexis" <Strauss.Alexis@epa.gov>
Date: February 21, 2018 at 5:21:38 PM EST
To: "Bennett, Tate" <Bennett.Tate@epa.gov>, "Brown, Byron" <brown.byron@epa.gov>
Cc: "Miller, Amy" <Miller.Amy@epa.gov>
Subject: Administrator Briefing Papers for WGA

Dear Tate and Byron,

Attached please find one-page briefing papers for the following topics:

Hawaii: Red Hill Underground Fuel Tanks; Water Pesticide Update; Hawaii Wastewater Update; and Hawaii Water Infrastructure funding.

Nevada: Anaconda Copper Mine Site; Eureka Smelter Removal Site; and Tronox Henderson site.

I also attach a combination Hawaii/Nevada paper regarding DERA funding.

If you have any questions or need additional information, please call/email me or our Chief of Staff, Amy Miller.

Kind regards, Alexis

Alexis Strauss
Acting Regional Administrator
E.P.A. Region 9
75 Hawthorne Street
San Francisco, CA 94105
415-972-3572

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 2/22/2018 8:57:36 PM
To: Cory, Preston (Katherine) [Cory.Preston@epa.gov]
Subject: Fwd: Administrator Briefing Papers for WGA
Attachments: Region 9 HI Briefing Paper Wastewater February 2018.docx; ATT00001.htm

Begin forwarded message:

From: "Strauss, Alexis" <Strauss.Alexis@epa.gov>
Date: February 22, 2018 at 11:52:27 AM EST
To: "Bennett, Tate" <Bennett.Tate@epa.gov>, "Brown, Byron" <brown.byron@epa.gov>
Cc: "Miller, Amy" <Miller.Amy@epa.gov>
Subject: Administrator Briefing Papers for WGA

Dear Tate and Byron,
Could you please replace the Hawaii Wastewater paper with this updated version? We corrected the number of cesspools.
With thanks,
Alexis

Alexis Strauss
Acting Regional Administrator
E.P.A. Region 9
75 Hawthorne Street
San Francisco, CA 94105
415-972-3572

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 2/8/2018 11:54:41 PM
To: Ford, Hayley [ford.hayley@epa.gov]
Subject: Fwd: ACTION, For Forwarding: TPs for Pruitt Travel 2/12-2/14

I'll call you

Begin forwarded message:

From: "Ross, David P" <ross.davidp@epa.gov>
Date: February 8, 2018 at 6:47:19 PM EST
To: "Bennett, Tate" <Bennett.Tate@epa.gov>
Cc: "Campbell, Ann" <Campbell.Ann@epa.gov>, "Best-Wong, Benita" <Best-Wong.Benita@epa.gov>, "Forsgren, Lee" <Forsgren.Lee@epa.gov>
Subject: FW: ACTION, For Forwarding: TPs for Pruitt Travel 2/12-2/14

Hi Tate,

As requested, here are TPs on WOTUS, Wastewater permitting, and MS4 permitting. The wastewater and MS4 TPs were prepared and approved by Region 1. The requested points on the Northfield mountain facility are being handled by Region 1 and will be transmitted to you directly. Let us know if you need anything else.

Wastewater

- <!--[if !supportLists]--><!--[endif]-->Thank you for your recent letter on Clean Water Act permits for Great Bay municipalities.
- <!--[if !supportLists]--><!--[endif]-->As you know, the leaders of EPA's Office of Water and of our New England regional office met with a group of communities last Tuesday. Bob Scott [DES Commissioner] participated in that meeting, along with MacZellem from your office. I understand that discussion was productive and that the group agreed to follow-up discussions to make sure we are all sharing the latest scientific information about Great Bay.
- <!--[if !supportLists]--><!--[endif]-->EPA committed to engage the communities in the permitting process, and to let them know well in advance when we are nearing issuance of any draft or final permits. We understand that permitting decisions have important consequences for communities and we don't want to surprise anyone.
- <!--[if !supportLists]--><!--[endif]-->At the meeting, the City of Portsmouth informed EPA of a possible development opportunity at the Pease International Tradeport which may require an increase in permitted discharges. EPA is ready to work with Portsmouth to identify and resolve any permitting issues.
- <!--[if !supportLists]--><!--[endif]-->We will continue to closely coordinate with NH DES on these issues. We really value DES's engagement and we believe it's important that we continue to work together on these permits.

MS4 permitting

- <!--[if !supportLists]--><!--[endif]-->EPA worked closely with NH DES in the development of the NH municipal stormwater ("MS4") permit. We appreciate DES's engagement and support.
- <!--[if !supportLists]--><!--[endif]-->We know NH communities are concerned about the investments needed to reduce stormwater pollution. Together with DES, we conducted

numerous meetings with communities to hear their concerns, and made many changes to the permit in response to their comments.

- <!--[if !supportLists]--><!--[endif]-->We looked for places to add flexibility to the permit to allow local decision-making about stormwater management. We also included lengthy schedules to allow communities time to plan and implement stormwater management practices.
- <!--[if !supportLists]--><!--[endif]-->The permit has been appealed, and we are beginning a mediation process to see if we can reach an agreement that satisfies everyone's concerns. We will continue to listen carefully to the issues raised by NH communities. I hope we can find a way forward that will protect New Hampshire's waters and will also be workable for the communities that need to implement the permit.
- <!--[if !supportLists]--><!--[endif]-->I know that a group of NH communities has asked EPA to delay the effective date of the permit. Our Office of General Counsel and Office of Water are working with Region 1 to evaluate that request.

WOTUS

- The EPA and the Department of the Army are in the process of reviewing and considering revisions to the scope of "waters of the United States" that are protected under the Clean Water Act, and we are doing so in a two-step process consistent with a February 28, 2017 Presidential Executive Order.
- The first step was to propose to rescind the 2015 rule and recodify the prior regulations. We published the proposal in July 2017.
- The second step is to propose a new definition of WOTUS.
- Apart from this two-step process, last week we published a final rule adding an applicability date to the 2015 rule. The 2015 rule will not apply until February 6, 2020.
- Given the uncertainty about litigation in multiple district courts over the 2015 Rule, this action provides much needed certainty and clarity to the regulated community, states and the public during the ongoing regulatory process.
- We've received a lot of useful feedback from the federalism and tribal consultations we conducted in the spring and from the series of public meetings we held in fall asking for pre-proposal recommendations on a revised definition of "waters of the United States." We are currently reviewing those recommendations.
- We are planning for additional discussions with state and tribal co-regulators in the near-future, including webinars with our state and tribal partners on February 20 and hosting workshops for tribal stakeholders on March 6- 7 and for states on March 8- 9.
- I look forward to continuing our engagement and dialogue as we work to reconsider the definition of the 'waters of the United States' so that Americans receive the clarity they deserve.

From: Bennett, Tate

Sent: Monday, February 5, 2018 11:48 AM

To: Wehrum, Bill <Wehrum.Bill@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Wagner, Kenneth <wagner.kenneth@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>

Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Gordon, Stephen <gordon.stephen@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>; Daniell, Kelsi <daniell.kelsi@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Kunding, Kelly <kunding.kelly@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Cory, Preston (Katherine)

<Cory.Preston@epa.gov>

Subject: Pruitt Travel 2/12-2/14

Good morning!

The Administrator will be making the following visits next week in Massachusetts and New Hampshire (I have listed them below and the issues we anticipate that will be raised). If your respective offices could provide memos and talking points by COB Thursday, it would be greatly appreciated! He is leaving first thing on Monday AM, and he will need to take all of the materials with him when he departs the office Friday for the weekend (departure time Friday TBD so this is why we need everything by Thursday COB).

- <!--[if !supportLists]--><!--[endif]-->Massachusetts 2/12- Region 10 Office Visit, New Bedford Superfund Site (memo required on New Bedford), Memo on POTUS Budget which is coming out this day
- <!--[if !supportLists]--><!--[endif]-->New Hampshire 2/13- Meeting with Governor Sununu (memo required for MS4 Permitting/wastewater NPEDS, WOTUS), Meeting with Central Paper Company (Wood procurement issues, Biomass carbon neutrality), Mohawk Tannery Superfund Site (memo required)
- <!--[if !supportLists]--><!--[endif]-->Massachusetts 2/14- Northfield Mountain Hydro Facility with Commissioner Chatterjee (memo on hydro water permitting issues from OW.....note most of their issues will be before FERC)

All of these stops have been vetted by Susan and Patrick's teams.

Apologies if this is duplicative as I know some of you have already sent me some of your materials.

Tate

Elizabeth Tate Bennett
Associate Administrator for Public Engagement & Environmental Education
Office of the Administrator
U.S. Environmental Protection Agency
(202) 564-1460
Bennett.Tate@epa.gov

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 1/31/2018 9:38:08 PM
To: Ford, Hayley [ford.hayley@epa.gov]
Subject: FW: Trip Materials
Attachments: 013118-CCR Rule Revisions.docx; 013118-Cercla 108 Talking Points.docx; CERCLA Talkers.docx; Anaconda_TPs.docx; AnacondaBackground.docx; Florida ESA.docx; Anaconda.jpg; Nevada OPE Memo.docx; Florida Trip.docx; Florida State Profile.pdf; Sandoval Letter to Pruitt CERCLA 108(b)042017.pdf

From: Bennett, Tate
Sent: Wednesday, January 31, 2018 4:36 PM
To: Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>; Gordon, Stephen <gordon.stephen@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>; Kundinger, Kelly <kundinger.kelly@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>; Sarah Greenwalt (greenwalt.sarah@epa.gov) <greenwalt.sarah@epa.gov>
Subject: Trip Materials

Lincoln- everything you need should be here unless Chris B. has anything else to add. Waiting on a WOTUS background from OW (I accidentally deleted it last week, so my fault) but he should be good there. Can add tomorrow.

On the attachments for organizational purposes:

FLORIDA

FLORIDA DOCS ARE ALL LABELED, WITH THE EXCEPTON OF CCR WHICH IS ALSO FOR FLORIDA.

NEVADA

CERCLA HARDROCK AND ANACONDA DOCS ARE NEVADA. SANDOVAL LETTER IS NEVADA. NEVADA OPE MEMO IS JUST THAT.

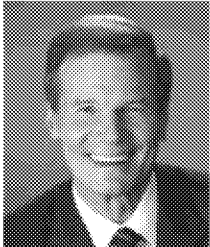
Florida State Profile January 2018

LEADERSHIP



Governor Rick Scott

Congressional Delegation:



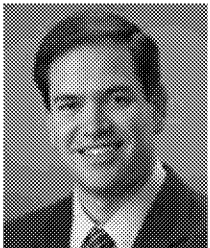
Senior Senator

Bill Nelson

Democrat

Since Jan 3, 2001

Next Election in 2018



Junior Senator

Marco Rubio

Republican

Since Jan 5, 2011

Next Election in 2022



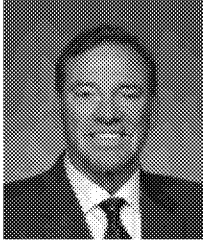
1st District
Matt Gaetz
Republican
Since Jan 3, 2017



5th District
Al Lawson
Democrat
Since Jan 3, 2017



9th District
Darren Soto
Democrat
Since Jan 3, 2017



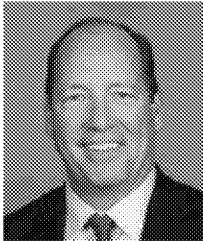
2nd District
Neal Dunn
Republican
Since Jan 3, 2017



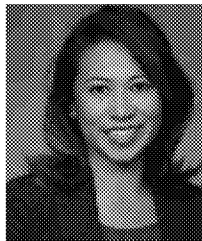
6th District
Ron DeSantis
Republican
Since Jan 3, 2013



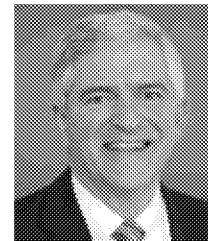
10th District
Val Demings
Democrat
Since Jan 3, 2017



3rd District
Ted Yoho
Republican
Since Jan 3, 2013



7th District
Stephanie Murphy
Democrat
Since Jan 3, 2017



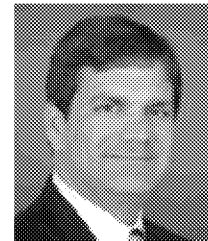
11th District
Daniel Webster
Republican
Since Jan 3, 2017



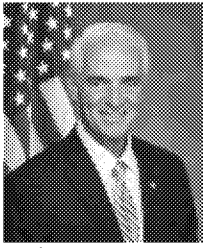
4th District
John Rutherford
Republican
Since Jan 3, 2017



8th District
Bill Posey
Republican
Since Jan 3, 2013



12th District
Gus Bilirakis
Republican
Since Jan 3, 2013



13th District
Charlie Crist
Democrat
Since Jan 3, 2017



17th District
Thomas Rooney
Republican
Since Jan 3, 2013



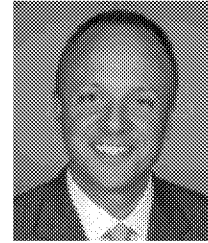
21st District
Lois Frankel
Democrat
Since Jan 3, 2017



14th District
Kathy Castor
Democrat
Since Jan 3, 2013



18th District
Brian Mast
Republican
Since Jan 3, 2017



22nd District
Theodore Deutch
Democrat
Since Jan 3, 2017



15th District
Dennis Ross
Republican
Since Jan 3, 2013



19th District
Francis Rooney
Republican
Since Jan 3, 2017



23rd District
Debbie Wasserman Schultz
Democrat
Since Jan 3, 2013



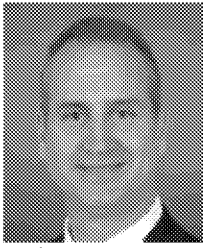
16th District
Vern Buchanan
Republican
Since Jan 3, 2013



20th District
Alcee Hastings
Democrat
Since Jan 3, 2013



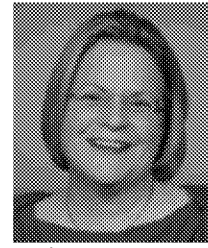
24th District
Frederica Wilson
Democrat
Since Jan 3, 2013



25th District
Mario Diaz-Balart
Republican
Since Jan 3, 2013



26th District
Carlos Curbelo
Republican
Since Jan 6, 2015



27th District
Ileana Ros-Lehtinen
Republican
Since Jan 3, 2013

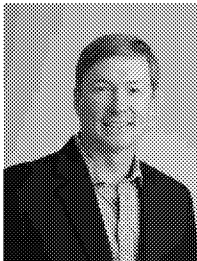
State Commissioner:

Noah Valenstein



State Ag Commissioner:

Adam Putnam



KEY ISSUES

Jacksonville Ash/Brown's Dump Sites (Superfund)

- The Jacksonville Ash/Brown's Dump Sites are four sites located in low income environmental justice neighborhoods. Municipal incinerator ash which contains lead, arsenic, PAHs and some dioxin from two of the sites (former incinerators) was spread around the two incinerators and dumped at the two other sites.
- The Remedial Action has resulted in the cleanup of about 1650 properties, approximately half of the 3200 parcels which includes approximately 2500 residential properties. Approximately 1350 residential properties have been cleaned up to date. Cleanup of about 1900 parcels is underway and proceeding on schedule. The City with EPA oversight is removing up to two feet of incinerator ash contaminated soil to protect the health of the residents affected by the 4 sites.

Fairfax Street Wood Treating, Jacksonville, Duval County (Superfund)

- The Remedial Design, which includes additional soil samples to confirm the depths of excavation, is underway. This soil sampling will occur on the 50 residential properties as well as on the school property that abuts the Fairfax Wood Treating Property. Though gaining permission for access to sample some of these properties has delayed the mobilization date to sample, EPA expects the sampling event will begin in March and the Remedial Design should be complete by December 2018.
- The EPA continues to work closely with Florida Department of Environmental Protection and the City of Jacksonville. The Fairfax Environmental Committee for Justice (FECJ) submitted a Letter of Intent formally expressing an interest in applying for a Technical Assistance Grant (TAG) for the Site on October 26, 2017. The EPA informed the community that the FECJ is interested in the TAG thru a public notice announcement published on January 26, 2018. Other interested groups in the community have a 30-day period from the publication date to contact the FECJ to form a coalition or apply for their own TAG. EPA expects to award the TAG in the Spring of 2018.

Escambia Wood Treating Company, Pensacola, Escambia County (Superfund)

- The EPA has completed the cleanup of 90 acres of soil contamination and is working on a partial deletion of the Site from the NPL. The EPA is waiting for Remedial Action funding of \$26 million to begin this Fund-lead full-scale groundwater cleanup. The groundwater plume is 1.5 miles long. There is no current exposure because the soil cleanup is complete and the area is on the public water supply.
- The County is going to take ownership of most of the Site and build a commerce park.

Petroleum Products Superfund Site in Pembroke Park, Broward County (Superfund)

- A former waste oil recycling pit (approximately 2 acres) that was closed out and backfilled in the early 1970's. The property is now used for commercial/industrial purposes and has more than fifteen large warehouse/storage buildings constructed over the former waste oil pits.
- Remediation of the site will require demolition of at least six of the warehouse/storage buildings to access and remove the contaminated soils and waste oil sludge buried underneath. Remediation costs are projected to exceed \$50 million and will result in disruption of the storage unit business and that of the small business that operate out of a large number of the bay units. A ROD is scheduled for December 2018; a data gap sampling event and treatability studies are currently underway to support remedial alternatives that will be evaluated in the Feasibility Study.

Cabot/Koppers, Gainesville, Alachua County (Superfund)

- The Cabot/Koppers Site includes two properties, the Koppers property and the Cabot Carbon property. The Koppers property includes the area where a wood treating facility operated between 1916 and 2009. The Cabot Carbon property includes the area where a charcoal production facility operated.
- Work is underway to complete remedial design for the Cabot Carbon barrier wall and hydraulic containment system by August 2018. Remedial action has been completed in offsite residential areas nearby Koppers.

Remedial design is ongoing onsite for the barrier wall, groundwater injections and solidification. We expect a barrier wall to be completed and completed groundwater injections in 2018.

404 Assumption (Water)

- We continue to actively support the state in its progress towards 404 assumption and hold biweekly calls with FDEP to discuss the state's progress in developing a submittal package, Endangered Species Act matters and state versus federal regulatory authorities.
- Met with John Truitt, Deputy Secretary for FDEP, on January 19, 2018, to discuss 404 assumption, particularly EPA's position on ESA Section 7 consultation.

Florida Human Health Criteria (Water)

- The Florida Department of Environmental Protection (FDEP) is updating their human health water quality criteria using a new approach. The new approach has resulted in proposed less stringent criteria for some parameters and more stringent criteria for others. Region 4 and EPA Headquarters (HQ) have been actively involved in reviewing and commenting on each proposal FDEP has put forward. Additionally, HQ was an active participant on a peer review panel. The EPA reviewed FDEP's latest technical support document explaining the rationale behind their human health criteria and had no additional comments.
- The proposed revision has resulted in numerous concerns from the public. The Florida Division of Administrative Hearings is holding hearings and entertaining motions in regard to the proposed criteria. EPA will continue to work with stakeholders and await submittal of the final Florida Human Health Criteria upon completion of all legal challenges within the State.

Harmful Algal Blooms (Water)

- Throughout the summers of 2016 and 2017, South Florida experienced algal blooms that affected Lake Okeechobee and several rivers and estuaries, however, for 2017 and 2018 there have been no significant algal blooms reported for Lake Okeechobee. While flow from the lake may contribute to coastal blooms, most of the nutrient loading to the St. Lucie area and Florida's east coast is local non-point runoff from basins east of Lake Okeechobee, not the lake. The current Lake Okeechobee stage is at 15.25 feet, and as of January 31, 2018, there are currently no flows to St. Lucie or the Caloosahatchee from Lake Okeechobee. The Corps is currently on a pulse release schedule on a week to a two week basis with discharges to the west with an average amount of 650 cfs. Much of what is required to address nutrient loading in the lake and estuaries involves nonpoint source solutions. Since 2014, EPA has provided approximately \$1.8 Million in funding through the 319 grant program for four projects to address non-point source pollution that impact Lake Okeechobee. Additionally, EPA provides \$600,000 per year to the Indian River National Estuary Program, which includes the St. Lucie area.
- The Comprehensive Everglades Restoration Plan (CERP) is the Congressionally approved framework for projects and operational changes needed in the Central and Southern Florida watersheds to restore and protect the South Florida Ecosystem, while providing sufficient water to meet South Florida's needs. The Lake Okeechobee Watershed Restoration Project is currently in the planning phase and the objectives of this project include: increasing water storage capacity in the watershed, better management of Lake water levels, improving the quantity and timing of discharges to the St. Lucie and Caloosahatchee estuaries, restoring wetlands, and improving water supply.
- Congressman Brian Mast has spoken with RA regarding his interest.

EAA Reservoir Issue (Water)

- The State of Florida is currently leading the NEPA planning process for construction of a reservoir south of Lake Okeechobee (Lake O) in the Everglades Agricultural Area. The project purpose is to reduce harmful Lake O releases to the northern estuaries and provide additional water storage, treatment, and conveyance south to the Everglades, including Everglades National Park. Although the majority of the land is already publicly

held, one of the proposals may impact “Restoration Strategies”; however, the project buildout is not for 15 years. The project planning timeline is moving at a fast pace with the following milestones: deliver study to Army Corps for their review 3/30/18; submit post authorization change report to Congress for approval by 10/1/18. The Army Corps and State are still working on a statement of work through the WRDA section 203 authorities in order for the state to carry out certain tasks such as Tribal Government to Government and Endangered Species Act Consultations.

- The EPA Liaison to the Army Corps for CERP, has attended the majority of the public meetings held in South Florida and also agency only conference calls with EPA NEPA staff. A decision point will not occur for EPA until the Draft Environmental Impact Statement is issued, then EPA’s NEPA and Water Protection Division staff will review and provide any appropriate comments in accordance with Section 309 of the Clean Air Act and Section 102(2)(C) of the National Environmental Policy Act (NEPA).

Aquaculture (Water)

- In February 2017, the USEPA entered into a Memorandum of Understanding (MOU) with six other federal agencies with the purpose of improving coordination and to streamline the regulatory permitting process for aquaculture facilities in Federal waters in the Gulf of Mexico (GOM). The six other federal agencies are:
 - Bureau of Ocean Energy Management (BOEM),
 - Bureau of Safety and Environmental Enforcement (BSEE),
 - National Marine Fisheries Service (NMFS),
 - United States Army Corps of Engineers (USACE),
 - United State Coast Guard (USCG), and
 - United States Fish and Wildlife Service (USFWS).
- Region 4 is currently working on two NPDES permits for aquaculture facilities in federal waters of the GOM. EPA is the permit issuance agency for facilities discharging pollutants into federal waters. In accordance with the MOU, issuance of the two permits described below will be done in close coordination with other federal agencies.
- In January 2018, EPA R4 received a permit application from Kampachi Farms for a proposed aquaculture facility located approximately 33 miles from the western coast of Florida. The proposed facility is a research-scale project that includes a single net pen producing 150,000 lbs/year of almaco jack. The application is considered incomplete at this time. The permittee is currently working in good faith to obtain the missing information. In February, Region 4 will participate in a federal interagency meeting with the permittee to facilitate coordination between the agencies involved and discuss application requirements of each agency. The NMFS is the lead agency for the NEPA analysis and the EPA is a cooperating agency. Recently, five environmental groups threatened NOAA with a lawsuit to stop federal funding for marine aquaculture. This project may be affected by the lawsuit as it has received a grant from NOAA to do the research.
- In September 2017, Region 4 received a permit renewal application from Biomarine for a proposed project in the GOM, approximately 7.5 miles south of the Alabama shore near the border of Florida waters. Biomarine currently has the only effective NPDES permit for an aquaculture facility in the GMO, however, the facility has not been built. Biomarine proposes to construct a 28 acre commercial and research facility that will produce 6.4 million lbs/year in 56 net pen cages. In November 2017, the EPA sent a Notice of Deficiency letter to Biomarine stating that the NDPES application is incomplete and provided a list of information required for a complete application. The applicant has indicated that the information will not be submitted. The currently effective permit expires on March 30, 2018. The EPA is the lead agency for the NEPA analysis.

SO2 Designations (Air)

- Portions of Hillsborough and Polk Counties were designated as nonattainment for the 2010 SO2 National Ambient Air Quality Standard (NAAQS) on December 21, 2017.
- EPA is working with Florida on their strategy to bring the area back into attainment by August 2019, well in advance of the 5-year statutory deadline.

Port Everglades Expansion Project – EPA’s NEPA/309 Review (NEPA/Water)

- COE Jacksonville District the lead agency, with EPA as a cooperating agency (MPRSA Section 103). The COE is considering a supplemental final EIS (SFEIS) to address dredged material disposal.
- 2016 ROD rescinded by COE. COE had proposed similar dredging method used for Port of Miami that resulted in extensive coral impacts and there was a resulting criminal case. SFEIS expected to be released 2nd quarter of FY18

Turkey Point Nuclear Power Plan (Water)

- The Turkey Point Nuclear facility, on the shore of Biscayne Bay, is planning an expansion to add two more reactors to the two reactors and other natural gas power plants that are already operating there.
- The existing reactors and natural gas plants utilize a 6,000 acre cooling canal system as a “radiator” to cool water used by the reactors and natural gas plants.
- Although it was expected that the unlined cooling canals would leach cooling water in the groundwater below the facility, the cooling water, which contains low levels of selenium and other pollutants, is migrating west towards public drinking water well systems, and east under Biscayne Bay.
- This leaching was exacerbated during recent actions to address elevated salinity in the canals as a result of evaporation, by adding fresh water from nearby surface water canals, which increased the head in the canal system, pushing more water into the groundwater beneath the canals.
- Florida Power has entered into consent agreements with FDEP and Dade County to address the groundwater issues.
- The EPA reviewed the EIS for the plant expansion and provided comments raising concerns about the groundwater impacts, facility siting and the failure to not comprehensively look at the cumulative effects of the entire facility, not just the new nuclear reactors.
- NRC held a hearing in December 2017 so that NRC and Florida Power and Light could provide a Safety and Environmental presentation to the NRC Commissioners before NRC approves the Combined Operating License (COL) for the facility.

Stream Effluent Guidelines(Water)

- In 2015, EPA promulgated effluent guideline limits for several wastewater streams at coal-fired power plants are effective. Compliance must be achieved by November 18, 2018, except for flue gas desulfurization and bottom ash wastewaters. For FGD and bottom ash wastewater, the compliance date is November 18, 2020. The rules allow the Permit Writing Authority to extend the compliance date to no later than December 31, 2023, if the permittee provides a justification.
- One thing the guidelines require is for coal-fired plants to convert to dry ash handling. Some power plants may have issues addressing timing of closure for ash ponds in order to address both the RCRA Coal Combustion Rule and to meet requirements under the 2015 effluent guidelines (no later than Dec. 31, 2023).
- Region 4 has a high concentration of large coal-fired plants in Alabama, Kentucky, and Georgia, and we generate approximately 37 % of the electricity in the US.
- Region 4 has three of the seven largest plants in the US.

Tampa Bay Downs Enforcement Case (Water)

- EPA has been working with FDEP on compliance concerns at Tampa Bay Downs Race horse racing track since inspected in February 2017. Tampa Bay Downs has not finished responding to a 308 request for information letter they received from EPA (EPA & FDEP collaborated on the questions in the 308)

- EPA attended FDEP's meeting with Tampa Bay Downs on 1/29/18 in response to FDEP's Warning Letter sent to Tampa Bay Downs 12/12/17 re: sample data showing contamination at time of inspection. FDEP & EPA plan to continue to work together to ensure the facility comes into compliance with all environmental concerns which will depend on Tampa Bay Downs's complete response to the 308

Hurricane Response

- Region 4 assessed vulnerabilities at all Superfund sites in Florida prior to landfall.
- Working closely with EPA Headquarters, issued 12 fuel waivers across multiple states whose fuel supply was impacted by the hurricanes and no action assurances to help stabilize prices at the pump and ensure that emergency vehicles had access to fuel. The fuel waivers and no action assurances were critical to assure the movement of people and goods, such as food and medical supplies.
- Positioned 12 Field Hazard Assessment Teams consisting of EPA On Scene Coordinators, technical assistance team contractors, and state personnel for deployment when needed.
- Deployed staff to assist with water and wastewater systems technical support at the State EOC and in the field. We coordinated with the State to monitor the status of more than 1,600 Community Drinking Water Systems and over 2,000 wastewater systems in the State.
- The Region contacted wastewater facilities with an unknown status while the State contacted public drinking water systems and completed 934 call-down assessments.
- Concurrently, the State also requested assistance in contacting small non-community drinking water systems, such as schools and restaurants, and the Water Division completed 1,255 call-down assessments. Assessed vulnerabilities at all Superfund remedial sites in Florida. Region 4 deployed six teams to conduct boots-on-the-ground assessments of all National Priority List sites within the State.
- As a further measure, we also deployed teams to assess NPL sites in Alabama, Georgia, and South Carolina.
- These teams completed on-site assessments, documented current operating conditions, verified that there were no releases from the sites and—where necessary—took any further actions to protect health and the environment. In all, we found that the sites experienced very little impact from Hurricane Irma.

GENERAL TOPICS

Coal Combustion Residuals (CCR) Rule (RCRD) - Facilities must continue to comply with the CCR rule, including the compliance dates. States seeking CCR permit program approval from EPA need to follow the Interim Final Guidance published August 2017 in the *FR*. As a result of the ongoing CCR rule litigation, EPA is moving forward with the remand rule which will propose in the *FR* certain revisions and flexibilities that states can adopt for their future CCR permit programs. Once OMB clears the remand rule (most likely within two weeks of 1/19/18) EPA will share with the states the regulatory language of those flexibilities to be published soon in the *FR* for public comment.

- To date, Region 4 has received submittals from Alabama and Georgia.

Clean Power Plan (Air) - On October 10, 2017, EPA issued a Notice of Proposed Rulemaking (**NPRM**) proposing to repeal the Clean Power Plan (CPP), by determining that the CPP, as it stands, exceeds the Agency's statutory authority.

- A public hearing was held in Charleston, WV, in November 2017, and three additional listening sessions have been scheduled for February and March 2018. The public comment period on the NPRM has been extended to April 26, 2018.
- In a separate but related action, EPA published (on December 21, 2017) an Advance Notice of Proposed Rulemaking (ANPRM) to solicit information from the public about a potential future rulemaking to limit greenhouse gas emissions from existing power plants. The public comment period on this ANPRM closes February 26, 2018.

WOTUS (Water) - On Monday, 1/22, the Supreme Court of the United States issued its decision, holding that the United States Court of Appeals for the 6th Circuit lacked jurisdiction under section 509(b)(1) of the Clean Water Act, 33 U.S.C. § 1369(b)(1), to review the Clean Water Rule promulgated in 2015 revising the definition of "Waters of the United States."

General 404 Background (Water)

- The Clean Water Act Section 404(q): Memorandum of Agreement between the Environmental Protection Agency and the Department of the Army established policies and procedures for coordination on 404 regulatory issues and permit reviews. The roles and responsibilities of the Federal resource agencies are:
- The Army Corps of Engineers is solely responsible for making final permit decisions. As such, the Corps acts as the project manager for the evaluation of all permit applications. As the project manager, the Corps is responsible for requesting and evaluating information concerning all permit applications. The Corps fully considers EPA's comments when determining with the National Environmental Policy Act, and other relevant statutes, regulations, and policies. The Corps will also fully consider the EPA's views when determining whether to issue the permit, to issue the permit with conditions and/or mitigation, or to deny the permit.
 - Administers day-to-day program, including individual and general permit decisions;
 - Conducts or verifies jurisdictional determinations;
 - Develops policy and guidance; and
 - Enforces Section 404 permit provisions.
- U.S. Environmental Protection Agency: Through the Clean Water Act, National Environmental Policy Act, and other relevant statutes, EPA has a role in the Department of the Army Regulatory Program. Pursuant to its authority, the EPA may provide comments to the Corps identifying its views regarding compliance with the Section 404(b)(1) Guidelines.
 - Develops and interprets policy, guidance, and environmental criteria used in evaluating permit applications;
 - Determines scope of geographic jurisdiction and applicability of exemptions;
 - Approves and oversees State and Tribal assumption;
 - Reviews and comments on individual permit applications;
 - Has authority to prohibit, deny, or restrict the use of any defined area as a disposal site (Section 404(c));
 - Can elevate specific cases (Section 404(q));
 - Enforces Section 404 provisions.
- U.S. Fish and Wildlife Service and National Marine Fisheries Service:

- Evaluate impacts on fish and wildlife of all new Federal projects and Federally permitted projects, including projects subject to the requirements of Section 404 (pursuant to the Fish and Wildlife Coordination Act); and
- Elevate specific cases or policy issues pursuant to Section 404(q).

Region 4-Specific 404 Background (Water)

- In the Southeast, the ACOE generally looks to EPA Region 4's environmental expertise on 404 permits, particularly for projects that are anticipated to have a significant environmental impact. Region 4 places a high priority on building and maintaining very good relationships with the ACOE and providing timely and constructive comments on the permit applications that we review.
- Although the Region has not recently issued an "a" or "b" letter, which are part of the process under the Section 404(q) MOA, we strive to screen at least 95% of the permit applications that we receive and provide comments to the ACOE on a subset of permit applications where we know we can add value. Of the nearly 600-700 public notices that we typically receive annually in Region 4, we provide comments on approximately 5%.

Dicamba (ATPMD) - EPA worked with USDA, States, cooperative extension agents, and pesticide manufacturers to identify actions to further minimize spray drift of Dicamba pesticide products on nearby susceptible crops.

- EPA Region 4 stands ready to assist the states as they move forward to implement pesticide programs regarding Dicamba during the coming year.
- While there have been issues regarding Dicamba in our region, FL was not one of the states affected.

Animal Waste Release Reporting Requirements (Air) - Farms are now required to report releases of hazardous substances associated with animal waste management units (such as lagoons, pits, piles) under CERCLA.

- December 18, 2008 -- EPA published a final rule exempting farms from CERCLA reporting of air releases of hazardous substances from animal waste; the rule was challenged in court (DC Circuit).
- April 11, 2017 -- the Court struck down the final rule; January 19, 2018, EPA filed a motion to further delay issuance of the mandate so that EPA can develop guidance materials to help farmers understand their CERCLA reporting obligations.
- The Court has not yet issued its mandate; farm animal waste air release reporting under CERCLA is not required until the Court mandate is issued.

Animal Waste Rule (Water)

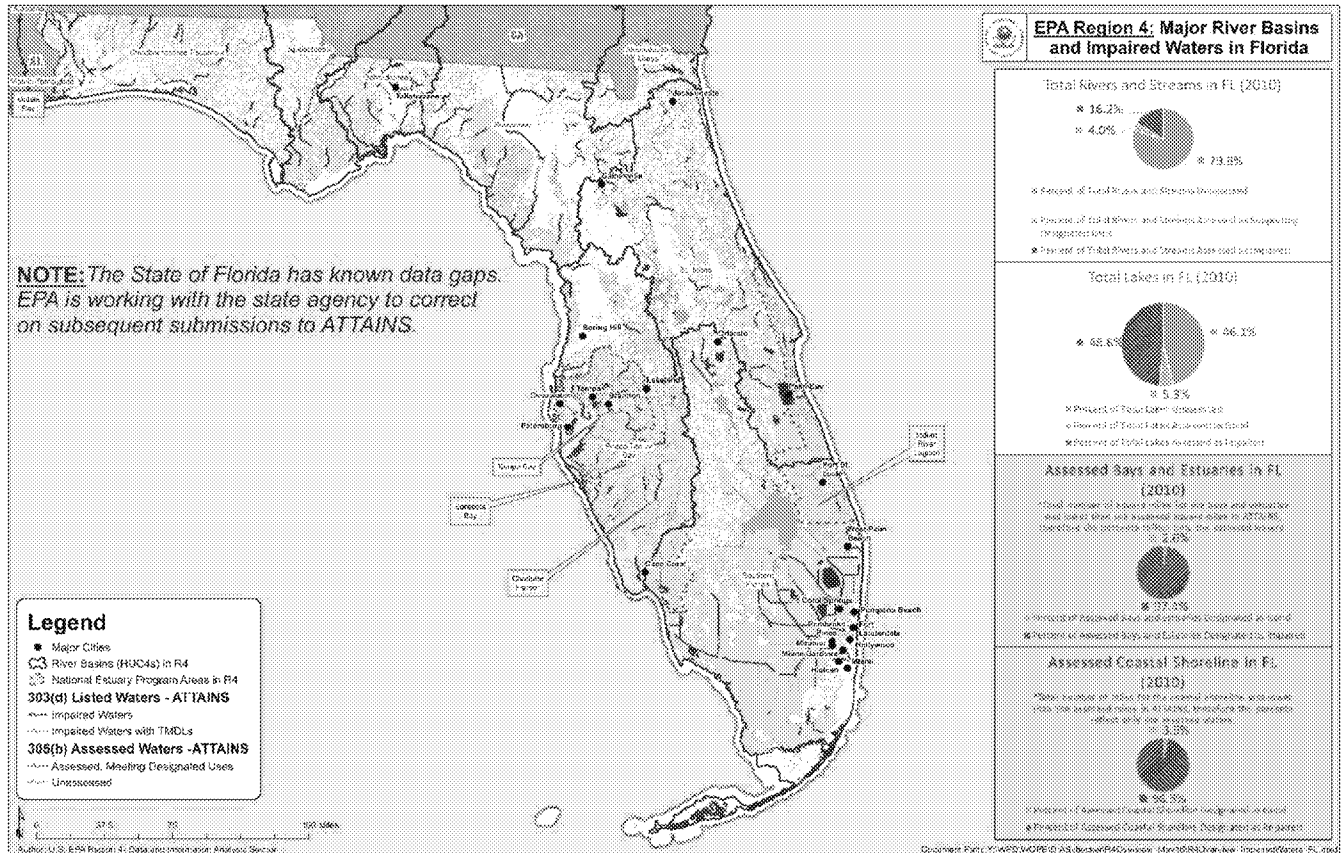
- FDEP issues individual NPDES permits consistent with the EPA 2008 CAFO rule, as adopted by the state.
- Florida rules include additional requirements for CAFOs and AFOs that discharge to groundwater.
- There are 100 CAFOs in Florida, 58 of them have an NPDES permit, including all dairy CAFOs.

PROGRAM MEASURES

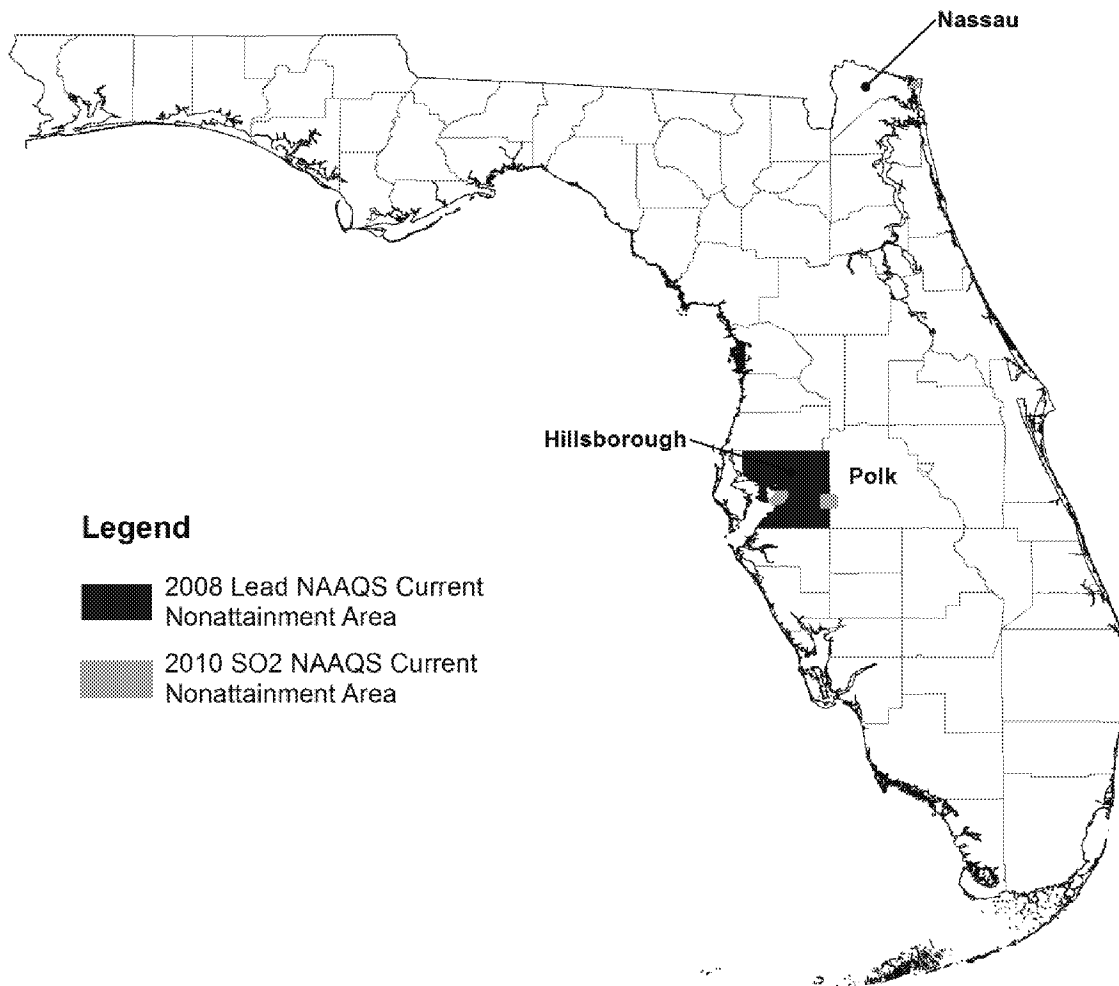
Drinking water (lead, etc.)

- Public drinking water systems – 5,370 in FL/ 17,930 region-wide
- Lead-copper rule violations (most are monitoring/reporting) - 60 in FL/ 466 region-wide
- Lead action-level exceedances – 28 in FL/ 89 region-wide
- Copper action level exceedances – 25 in FL/ 149 region-wide

Impaired waters



Florida
Current Nonattainment Areas



Brownfields

- # of EPA Brownfield sites in state – 277*
*” Sites in Inventory” no longer asked. These data are from 2016. The lack of a common definition made understanding such a number meaningless. Approximately 38,700 sites are enrolled in State programs annually
- # of EPA Brownfield sites returned for anticipated use – 293
- \$ value of grants awarded in state in FY 2017 (all available EPA Brownfield funding; break down by revolving loan fund, workforce development and assessment.)

	FY17 Value of Grants
Assessment	\$900,000
Cleanup	\$600,000
Revolving Loan	\$0
Job Training	\$200,000
Area-Wide Plan	\$200,000
Total	\$1,900,000

- \$ value of grants awarded in state in past 10 years (all available EPA Brownfield funding; break down by revolving loan fund, workforce development and assessment.)

	Value of Grants awarded over past 10yrs
Assessment	\$22,900,000
Cleanup	\$5,195,000
Revolving Loan	\$4,000,000
Job Training	\$2,092,296
Area-Wide Plan	\$398,032
Total	\$34,585,328

Superfund Sites

- With Superfund, the State of Florida participates in one cooperative agreement providing ~\$313,000/year for state programs supporting the Superfund program. There are 16 active Superfund State Contracts in place between EPA and the State of Florida.
- There are 34 potential Sites in Florida that can be returned for anticipated use.
- 45 Sites in Florida have already been returned for anticipated use. Superfund has targeted five sites for FY2018 within the Region to return for anticipated use. Of those five, one site is located in Florida.

Name	City	Congressional District	PRP or Fund Lead	Status (RI/FS, ROD issued. Etc.)
Proposed				
NORMANDY PARK APARTMENTS	TEMPLE TERRACE	Castor (D) Ross (R)	PRP	Long Term Remedial Action
Final				
AGRICO CHEMICAL CO.	PENSACOLA	Gaetz (R)	PRP	Long Term Remedial Action
AIRCO PLATING CO.	MIAMI	Diaz-Balart (R) Wilson (D) Ros-Lehtinen (R)	PRP	Long Term Remedial Action
ALARIC AREA GW PLUME	TAMPA	Castor (D) Ross (R)	Fund	Remedial Action
AMERICAN CREOSOTE WORKS, INC. (PENSACOLA PLANT)	PENSACOLA	Gaetz (R)	Fund	Remedial Design
ANODYNE, INC.	NORTH MIAMI BEACH	Wilson (D)	Fund	Remedial Design
ARKLA TERRA PROPERTY	THONOTOSASSA	Castor (D) Ross (R)	Fund	RI/FS
CABOT/KOPPERS	GAINESVILLE	Yoho (R)	PRP	Remedial Design
CHEVRON CHEMICAL CO. (ORTHO DIVISION)	ORLANDO	Murphy (D) Demings (D)	PRP	Long Term Remedial Action
CITY INDUSTRIES, INC.	ORLANDO	Murphy (D) Soto (D)	PRP	Long Term Remedial Action
CONTINENTAL CLEANERS	MIAMI	Wilson (D)	Fund	RI/FS
ESCAMBIA WOOD - PENSACOLA	PENSACOLA	Gaetz (R)	Fund	Remedial Action
FAIRFAX ST. WOOD TREATERS	JACKSONVILLE	Lawson (D)	Fund	Remedial Design
FLASH CLEANERS	Pompano Beach	Hastings (D) Deutsch (D)	Fund	Long Term Remedial Action
FLORIDA PETROLEUM REPROCESSORS	FORT LAUDERDALE	Hastings (D) Wasserman-Schultz (D)	PRP	Remedial Action
FLORIDA STEEL CORP.	INDIANTOWN	Rooney (R)	PRP	Long Term Remedial Action
GENERAL DYNAMICS LONGWOOD	LONGWOOD	Murphy (D)	PRP	RI/FS
HARRIS CORP. (PALM BAY PLANT)	PALM BAY	Posey (R)	PRP	Long Term Remedial Action

HELENA CHEMICAL CO. (TAMPA PLANT)	TAMPA	Castor (D) Ross (R)	PRP	ROD Amendment Planned in FY2019
HOLLINGSWORTH SOLDERLESS TERMINAL	FORT LAUDERDALE	Hastings (D) Deutsch (D)	Fund	Groundwater Monitoring (Post ROD)
HOMESTEAD AIR FORCE BASE	HOMESTEAD AIR FORCE BASE	Curbelo (R)	FF Oversight	
JACKSONVILLE NAVAL AIR STATION	JACKSONVILLE	Rutherford (R) Lawson (D)	FF Oversight	RI/FS
JJ SEIFERT MACHINE	RUSKIN	Buchanan (R)	Fund	Long Term Remedial Action
KERR-MCGEE CHEMICAL CORP - JACKSONVILLE	JACKSONVILLE	Rutherford (R) Lawson (D)	PRP	Remedial Design
LANDIA CHEMICAL COMPANY	LAKELAND	Ross (R)	PRP	RI/FS
MADISON COUNTY SANITARY LANDFILL	MADISON	Lawson (D)	PRP	Long Term Remedial Action
MIAMI DRUM SERVICES	MIAMI	Diaz-Balart (R)	Fund	Five Year Review
MRI CORP (TAMPA)	TAMPA	Castor (D) Ross (R)	PRP	Five Year Review
PEAK OIL CO./BAY DRUM CO.	TAMPA	Castor (D) Ross (R)	PRP	Operation and Maintenance
PENSACOLA NAVAL AIR STATION	PENSACOLA	Gaetz (R)	FF Oversight	
PEPPER STEEL & ALLOYS, INC.	MEDLEY	Diaz-Balart (R) Ros-Lehtinen (R)	PRP	Operation and Maintenance
PETROLEUM PRODUCTS CORP.	PEMBROKE PARK	Wilson (D) Wasserman- Schultz (D)	Fund	RI/FS
PICKETTVILLE ROAD LANDFILL	JACKSONVILLE	Lawson (D) Rutherford (R)	PRP	Long Term Remedial Action
PIPER AIRCRAFT CORP./VERO BEACH WATER & SEWER DEPARTMENT	VERO BEACH	Posey (R)	PRP	Long Term Remedial Action
POST AND LUMBER PRESERVING CO INC	QUINCY	Dunn (R)	Fund	RI/FS
RALEIGH STREET DUMP	TAMPA	Castor (D) Ross (R)	PRP	Five Year Review
REEVES SOUTHEASTERN GALVANIZING CORP.	TAMPA	Castor (D) Ross (R)	PRP	Remedial Action
SANFORD DRY CLEANERS	SANFORD	Murphy (D)	Fund	Long Term Remedial Action
SAPP BATTERY SALVAGE	COTTONDALE	Dunn (R)	Fund/PRP	Long Term Remedial Action (Fund), and Operation and Maintenance (PRP)

SHERWOOD MEDICAL INDUSTRIES	DELAND	DeSantis (R)	PRP	Operation and Maintenance
SOLITRON MICROWAVE	STUART	Mast (R)	Fund	Five Year Review
SOUTHERN SOLVENTS, INC.	TAMPA	Castor (D)	Fund	RI/FS
STAUFFER CHEMICAL CO (TAMPA)	TAMPA	Castor (D) Ross (R)	PRP	Long Term Remedial Action
STAUFFER CHEMICAL CO. (TARPON SPRINGS)	TARPON SPRINGS	Bilirakis (R)	PRP	Operation and Maintenance
SYDNEY MINE SLUDGE PONDS	BRANDON	Ross (R)	PRP	Long Term Remedial Action
TAYLOR ROAD LANDFILL	SEFFNER	Castor (D) Ross (R)	PRP	Operation and Maintenance
TOWER CHEMICAL CO.	CLERMONT	Webster (R) Ross (R)	Fund	Feasibility Study
TRANS CIRCUITS, INC.	LAKE PARK	Hastings (D) Mast (R)	Fund	Long Term Remedial Action
TYNDALL AIR FORCE BASE	PANAMA CITY	Dunn (R)	FF Oversight	
UNITED METALS, INC.	MARIANNA	Dunn (R)	Fund	Long Term Remedial Action
USN AIR STATION CECIL FIELD	JACKSONVILLE	Rutherford (R)	FF Oversight	
WHITEHOUSE OIL PITS	WHITEHOUSE	Lawson (D) Rutherford (R)	PRP	Operation and Maintenance
WHITING FIELD NAVAL AIR STATION	MILTON	Gaetz (R)	FF Oversight	
WINGATE ROAD MUNICIPAL INCINERATOR DUMP	FORT LAUDERDALE	Hastings (D) Deutsch (D) Wasserman-Schultz (D)	PRP	Operation and Maintenance
ZELLWOOD GROUND WATER CONTAMINATION	ZELLWOOD	DeSantis (R) Deming (D) Webster (R)	PRP	Remedial Action
Deleted				
ALPHA CHEMICAL CORP.	LAKELAND	Ross (R)	PRP	Operation and Maintenance
B&B CHEMICAL CO., INC.	HIALEAH	Diaz-Balart (R)	PRP	Long Term Remedial Action
BEULAH LANDFILL	PENSACOLA	Gaetz (R)	PRP	Five Year Review
BMI-TEXTRON	LAKE PARK	Hastings (D) Mast (R)	PRP	Complete, No Further Action
BROWN WOOD PRESERVING	LIVE OAK	Lawson (D) Dunn (R)	PRP	Complete, No Further Action
CALLAWAY & SON DRUM SERVICE	LAKE ALFRED	Soto (D)	Fund	Complete, No Further Action
CHEMFORM, INC.	POMPANO BEACH	Hastings (D) Deutsch (D)	PRP	Operation and Maintenance

DAVIE LANDFILL	DAVIE	Hastings (D) Wasserman-Schultz (D)	PRP	Long Term Remedial Action
DUBOSE OIL PRODUCTS CO.	CANTONMENT	Gaetz (R)	PRP	Long Term Remedial Action
GOLD COAST OIL CORP.	MIAMI	Ros-Lehtinen (R)	PRP	Operation and Maintenance
HIPPS ROAD LANDFILL	DUVAL COUNTY	Lawson (D)	PRP	Operation and Maintenance
KASSAUF-KIMERLING BATTERY DISPOSAL	TAMPA	Castor (D) Ross (R)	PRP	Operation and Maintenance
MUNISPORT LANDFILL	NORTH MIAMI	Wilson (D)	PRP	No Further Action
PIONEER SAND CO.	PENSACOLA	Gaetz (R)	PRP	Operation and Maintenance
SCHUYLKILL METALS CORP	PLANT CITY	Ross (R)	PRP	Five Year Review
SIXTY-SECOND STREET DUMP	TAMPA	Castor (D) Ross (R)	PRP	Operation and Maintenance
STANDARD AUTO BUMPER CORP.	HIALEAH	Diaz-Balart (R)	Fund	Complete, No Further Action
WILSON CONCEPTS OF FLORIDA, INC.	POMPANO BEACH	Hastings (D) Deutsch (D)	State	Complete, No Further Action
WOODBURY CHEMICAL CO. (PRINCETON PLANT)	PRINCETON	Curbelo (R)	Fund	No Further Action
YELLOW WATER ROAD	BALDWIN	Yoho (R) Rutherford (R) Lawson (D)	PRP	Five Year Review
Superfund Alternative				
BROWN'S DUMP	JACKSONVILLE	Rutherford (R) Lawson (D)	PRP	Remedial Action
CASCADE LANDFILL	TALLAHASSEE	Dunn (R)	PRP	RI/FS
CASCADE PARK GASIFICATION PLANT	TALLAHASSEE	Dunn (R)	PRP	RI/FS
CORONET INDUSTRIES	PLANT CITY	Ross (R)	PRP	Deferred to the State
ITT-THOMPSON INDUSTRIES, INC	MADISON	Lawson (D)	PRP	Long Term Remedial Action
JACKSONVILLE ASH SITE	JACKSONVILLE	Rutherford (R) Lawson (D)	PRP	Remedial Action
ORLANDO GASIFICATION PLANT	ORLANDO	Murphy (D) Demings (D)	PRP	Remedial Design, Feasibility Study
SANFORD GASIFICATION PLANT	SANFORD	Murphy (D)	PRP	Long Term Remedial Action
SOLITRON DEVICES INC	WEST PALM BEACH	Mast (R) Hastings (D) Frankel (D)	PRP	Long Term Remedial Action
SPRAGUE ELECTRIC COMPANY	LONGWOOD	Murphy (D)	PRP	Remedial Action

Emergency Response

Statistics for FY2018 - Total ER Action Starts: 20

Total ER Completions: 17

ER Start/Completion by State:

State	Starts	Completions	State	Starts	Completions
Alabama	3	1	Mississippi	0	1
Florida	3	2	North Carolina	2	2
Georgia	2	1	South Carolina	2	2
Kentucky	2	1	Tennessee	6	7

Open Emergency Response Actions * (Oil Pollution Act and CERCLA)

Site Name	State	City	Authority	Start Date	Comments
Wing Oil Spill	AL	Wing	OPA	11/21/17	Awaiting disposal documents
CSX Sulfuric Acid Release	AL	Birmingham	CERCLA	1/5/18	Awaiting final pollution report
Newell Recycling Facility Fire	GA	East Point	CERCLA	1/22/18	Awaiting final pollution report
Trumbo Diesel Spill	KY	Bulan	OPA	1/9/18	Awaiting final pollution report
Tennessee River Mystery Release	TN	Chattanooga	OPA	1/8/18	Awaiting final report

*Site work has been completed on all listed sites. Completion pending completion of final reports.

CERCLA Time-Critical Removal Actions

Site Name	State	City	Complete?	Comments
35 th Avenue	AL	Birmingham	N	Residential Lead Site, Fund-lead
Anniston Lead	AL	Anniston	N	Residential Lead, Fund-lead
Glen Stevenson	FL	St. Petersburg	Y	Residential Lead, Fund-lead
Ellis Road	FL	Jacksonville	N	PCB Site, Enforcement-lead
ESB	GA	Atlanta	N	Enforcement-lead
Chromecraft Plating site	MS	Senatobia	Y	Chrome plating waste, Fund-lead
MS Phosphates	MS	Pascagoula	N	Wastewater treatment, Fund-lead
Rockwell International (aka Grenada)	MS	Grenada	N	TCE, Vapor Intrusion, Enforcement-lead
Stone Treated Materials	MS	Picayune	N	Industrial wastes (mercury, arsenic, chromium), Fund-lead
Davidson Asbestos	NC	Davidson	Y	Residential soil-asbestos, Fund-lead
LL Harwell Site	NC	Gastonia	Y	Water line installation to TCE impacted residences, Fund-lead
Candlewick Road	NC	Aberdeen	Y	Residential lead, Fund-lead
Welch Group Fairplay	SC	Fairplay	N	Residential Lead, Enforcement-lead
Welch Group Benton	SC	Benton	N	Residential Lead, Enforcement-lead
Burlington Cheraw	SC	Cheraw	N	Residential PCB, Fund-lead transitioning to Enforcement-lead
Southside Chattanooga	TN	Chattanooga	Y	Residential Lead, Fund-lead

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 3/1/2018 6:56:37 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]; Gordon, Stephen [gordon.stephen@epa.gov]; Daniell, Kelsi [daniell.kelsi@epa.gov]; Kunding, Kelly [kunding.kelly@epa.gov]; Hupp, Millan [hupp.millan@epa.gov]; Sarah Greenwalt (greenwalt.sarah@epa.gov) [greenwalt.sarah@epa.gov]; Beach, Christopher [beach.christopher@epa.gov]; Ferguson, Lincoln [ferguson.lincoln@epa.gov]; Ford, Hayley [ford.hayley@epa.gov]; Bowman, Liz [Bowman.Liz@epa.gov]
Subject: RE: Agenda for March 2
Attachments: FinalFL.March2AgendaTalkers (003).docx

Attached is the final agenda and set of talking points for tomorrow afternoon's visit. Chris is orchestrating the pocket cards. Main issues at the Economic Chamber will be President's Infrastructure Package/ Water Infrastructure, Lake Okeechobee, CCR, FL 404 Permit Assumption.

From: Bennett, Tate
Sent: Wednesday, February 28, 2018 7:02 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Gordon, Stephen <gordon.stephen@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>; Kunding, Kelly <kunding.kelly@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>; Sarah Greenwalt (greenwalt.sarah@epa.gov) <greenwalt.sarah@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>
Subject: Agenda for March 2

Hello! Attached is the draft agenda for the Admin's quick afternoon trip down to the West Palm area this Friday, March 2nd. I'll have some minor edits tomorrow (so don't forward as the final version), but I figured you all might like to go ahead and get an idea for what we have planned currently. Programs/ OP are getting me their talkers tomorrow at noon. Will send those and the final agenda tomorrow.

-Tate

MEMORANDUM

TO: Administrator Pruitt
FROM: Office of Public Engagement
CC: Ryan Jackson, Millan, Kelly, Sarah, Kelsi
DATE: March 2, 2018
RE: Palm Beach Florida Visit

Event 1: Roundtable Discussion with Members of the Economic Council of Palm Beach County (20 people)

Moderator: Mike DeBock, CEO of the Economic Council of Palm Beach County



DeBock has been with the Economic Council since August of 2017. He previously worked for NextEra Energy for 13 years, where he most recently served as their executive director of gas infrastructure. DeBock received his military commission upon graduation from United States Military Academy at West Point and served eight years as an Apache helicopter pilot.

Meeting Location/Host: Bill Perry with Gunster Law Firm. Gunster is a FL commercial law firm that is headquartered in West Palm but has 13 offices across FL. Gunster clients include 1st United Bank, Interactive, ADS Direct, AGL Resources, American Golf, AT&T, AutoNation, Bankrate.com, Bank of America, Barry University, B/E Aerospace, Boyd Gaming, Capital City Bank, Edgenuity, Everest, FPL, Franklin Templeton Investments, Gulf Power, among others.

Issues: (See attached talking points)

Attendees:

US Sugar Corporation

- Robert Coker, SVP, Public Affairs ** VIP** Big in FL GOP circles
- Ken McDuffie, SVP, Agricultural Operations
- Bubba Wade, SVP, Corp. Strategy & Business Dev.

Florida East Coast Industries

- Jose Gonzalez, SVP

Sugar Cane Growers Cooperative of FL

- David Goodlett, SVP

Florida Crystal Sugar Corporation

- William Tarr, VP, Sr. Litigation Couns

Vecellio Group- The Vecellio Group is consistently ranked by *Engineering News-Record* as one of America's Top 400 Contractors.

- Leo Vecellio, President & CEO
- Michael Vecellio, Vice President & Co-owner

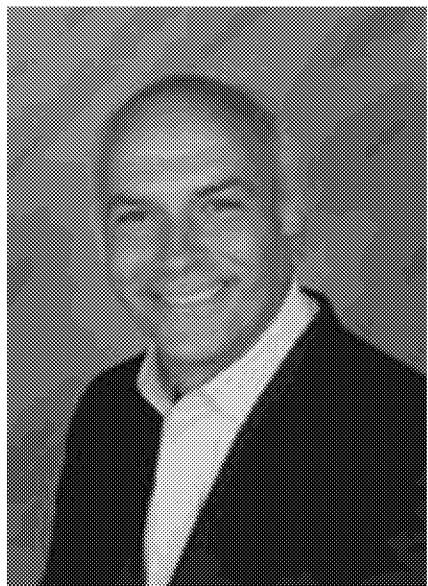
They own the following companies:

- [HYPERLINK "http://www.vecelliogrogan.com/"], established in 1938, is a major heavy/highway contractor specializing in complete site development, bridge and road construction, drainage and utility structures, coal mining development, and site reclamation in the Mid-Atlantic and Southeastern United States.
- [HYPERLINK "http://www.sharpebrosvg.com/"]. is a division of Vecellio & Grogan providing grading, paving and utilities contracting to the public and private sectors of North Carolina's Piedmont Triad area.
- [HYPERLINK "http://www.rangerconstruction.com/"] is a heavy/highway, site development and asphalt paving contractor with state-of-the-art facilities in numerous locations throughout northeast, central and southeast Florida. Ranger Construction serves customers from St. Johns County west to Polk County and south to the Florida Keys through its Orlando, DeBary, Malabar, Ft. Pierce, West Palm Beach, Pompano and Miami operations.
- [HYPERLINK "http://www.wrquarries.com/"], a division of Vecellio & Grogan, is a DOT-certified mining operation located in Miami, Florida.
- [HYPERLINK "http://www.vecenergy.com/"]'s operations include storage and distribution terminals for bulk petroleum products and additives. Current markets include the U.S., Caribbean and Europe.
- [HYPERLINK "http://www.vecenergy.com/terminals.htm"] designs, builds and operates high-capacity port terminals to store and distribute bulk petroleum and fuel products.
- [HYPERLINK "http://www.vecenergy.com/sfm.htm"] operates a liquid asphalt and diesel fuel terminal at the Port of Palm Beach in southeast Florida.
- [HYPERLINK "http://www.vecenergy.com/sfps.htm"] provides offloading services for all petroleum products at Port Everglades, located on the east coast of South Florida.
- [HYPERLINK "http://www.vecenergy.com/resources.htm"] provides fuel additive services to major oil companies through putting petroleum products at deep-water port locations, including Port Everglades in South Florida.

Event 2: Coffee with Marc Goldman, Republican Jewish Coalition (1 person)

**** You met with Marc in your office at the beginning of 2017 ****

Topics: Israel, U.S. Oil Independence, General catch up meeting

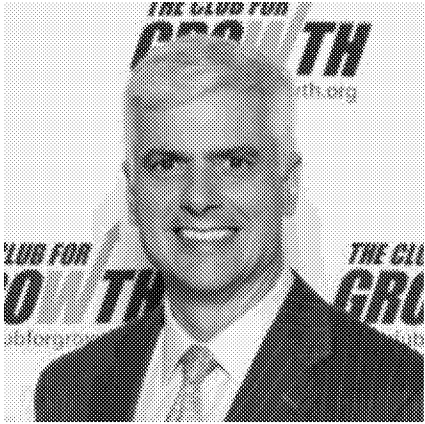


Marc Goldman Bio: Marc S. Goldman, Boca Raton, FL, serves on the board of the Republican Jewish Coalition. He is a big fan of Governor Rick Scott's and is originally from New Jersey. After selling his very successful third-generation family business, Farmland Dairies in 1999, Marc has been active in a variety of initiatives in culture, business, real estate and public policy, particularly oil independence.

Event 3: Speaking Engagement at Club for Growth (150 people)

Format: Remarks, 5 min Q&A (optional)

Introducing you: Former U.S. House Rep. David McIntosh (R-IN), President of Club for Growth



Bio for David McIntosh: David represented Indiana's 2nd Congressional District in Congress from 1995-2001. David served during the Reagan administration as special assistant to Attorney General Edwin Meese III, and as special assistant to President Reagan for Domestic Affairs. David is a co-founder of the Federalist Society for Law and Public Policy and serves on the Board of Directors.

Other Speakers during conference include: Matt Bevin and Nigel Farage

TALKING POINTS FOR ECONOMIC COUNCIL MEETING

The President's Infrastructure Plan:

- The President's proposal would establish a new federal grant program for water, transportation, and other projects and provide them to states and municipalities as matching funds, with the intent of encouraging local officials to use new sources of revenue to fund projects.
- The goal is to engage states and local governments more in how infrastructure gets built and funded rather than have Washington, D.C. tell governors and mayors what infrastructure they need.
- The infrastructure plan is an alternative to the current model, which allocates funding through programs like the EPA's State Revolving Fund and the Department of Transportation's Transportation Investment Generating Economic Recovery (TIGER) discretionary grants.

Water Infrastructure:

- EPA estimates that more than \$650 billion is needed to maintain, upgrade and replace our nation's water infrastructure over next 20 years.
- EPA is also working to support the President's Infrastructure Initiative by supporting water infrastructure investments through the Clean Water State Revolving Fund (CWSRF), the Drinking Water State Revolving Fund (DWSRF), and the Water Infrastructure Finance and Innovation Act (WIFIA) program and promoting cleanup of contaminated land that can affect our water sources.
- EPA's FY2019 proposed budget includes \$2.26 billion for the State Revolving Funds and \$20 million for WIFIA. The budget request includes \$84 million for drinking water programs to continue to partner with states, utilities, and other stakeholders to identify and address current and potential sources of drinking water contamination.
- In the past year EPA's Water Infrastructure Finance and Innovation Act (WIFIA) program has made significant progress toward providing credit assistance.

- In July 2017 we invited 12 projects in nine states to apply for loans, including a proposed \$160 million wastewater project to divert sewer outfalls to injection wells at wastewater treatment plants in Miami. EPA intends to open another funding round when sufficient appropriations become available.

Coal Ash Rulemaking Revisions:

- On March 1, EPA issued a proposed rule to change the Obama's Administration's 2015 rule regulating the disposal coal ash from power plants. There are about a dozen coal fired power plants in Florida alone that are impacted by this rule.
- The Obama Administration's coal ash rule was a significant part of its war on coal – and that war is over.
- We are working to make more than a dozen changes to the rule that will provide states and the regulated community more options and greater flexibility in how they manage coal ash in landfills and ponds. We estimate our proposal will save utilities up to \$100 million annually in compliance costs.
- The changes we are seeking to make would allow states and facilities to set alternative groundwater standards, extend upcoming regulatory deadlines, revise the rule's location restrictions and deadlines, and allow facilities to fix leaking coal ash ponds rather than be forced to close them.
- The public will have 45 days to comment on the proposal, and we expect to finalize the changes shortly after the comment period closes. We also expect to propose additional changes later in the year.

Lake Okeechobee/ Harmful Algal Blooms:

- Throughout the summers of 2016 and 2017, South Florida experienced algal blooms that affected Lake Okeechobee and several rivers and estuaries, however, for 2017 and 2018, there have been no significant algal blooms reported for Lake Okeechobee.
- While flow from the lake may contribute to coastal blooms, most of the nutrient loading to the St. Lucie area and Florida's east coast is local non-point runoff from basins east of Lake Okeechobee, not the lake. The current Lake Okeechobee stage is at 15.25 feet, and as of January 31, 2018, there are currently no flows to St. Lucie or the Caloosahatchee from Lake Okeechobee.
- Much of what is required to address nutrient loading in the lake and estuaries involves nonpoint source solutions. Since 2014, EPA has provided approximately \$1.8 Million in funding through the 319 grant program for four projects to address non-point source pollution that impact Lake Okeechobee. (Overall, EPA provided approximately \$7 Million in funding through the 319 grant program for 17 projects to address non-point source pollution that impact Lake Okeechobee, St. Lucie River and Indian River Lagoon watersheds.)
- Additionally, EPA provides \$600,000 per year to the Indian River National Estuary Program, which includes the St. Lucie area. Congressman Brian Mast has spoken with

Regional Administrator Trey Glenn regarding his interest. His district includes the Indian River Lagoon, which was adversely impacted by the algal blooms.

Lake Okeechobee Watershed Restoration Project (Army Corp of Engineers sponsored project):

- As part of the Comprehensive Everglades Restoration Plan (CERP), the Lake Okeechobee Watershed Restoration Project is currently in the planning phase and the objectives of this project include: increasing water storage capacity in the watershed, better management of Lake water levels, improving the quantity and timing of discharges to the St. Lucie and Caloosahatchee estuaries, restoring wetlands, and improving water supply.

FL Clean Water Act Section 404 Assumption:

- Florida approached EPA in June 2017 expressing interest in assuming the 404 program. EPA is actively engaged with the Florida Department of Environmental Protection (FDEP) to facilitate development of a complete assumption package.
- EPA has also initiated discussions with the Corp of Engineers, US Fish and Wildlife Service, National Marine Fisheries Service and Tribes to explain the 404 assumption process and their role during and after a state program is approved.
- Priorities for this process include establishing an MOA between FDEP and the Corps regarding assumable waters; an MOA between EPA, FWS, and FDEP regarding the discussion of incorporating the Endangered Species Act.
- The goal is for the state to begin issuing CWA section 404 permits in December of 2018. The Florida House of Representatives on February 21 passed a bill authorizing DEP to assume the program and the bill is awaiting final passage in the Senate. Regional Administrator Trey Glenn met with Noah Valenstein, DEP Secretary, on February 21, 2018, to discuss the issue.

WOTUS:

- The EPA and the Department of the Army are working through a two-step process to consider revisions to the definition of “Waters of the United States.”
- On January 31, 2018, the two agencies finalized a rule to change the applicability date of 2015 WOTUS rule to February 6, 2020.
- **Step One:** On June 27, 2017, the agencies proposed a rule to rescind the 2015 rule and re-codify the prior regulations. The agencies are reviewing the more than 650,000 comments received.
- **Step Two:** The agencies are continuing efforts to consider revisions of the definition of “waters of the United States,” consistent with the President’s February 2017 Executive Order.

- **Next steps:** The agencies have received a lot of feedback from the ongoing federalism and tribal consultation process and from the series of public meetings asking for pre-proposal recommendations on a revised definition.
- We understand the importance of consulting with our state and tribal partners in developing a new rule to define Waters of the U.S.
- We have already had several rounds of discussions with state, local government and tribal governments are planning for additional discussions with state and tribal co-regulators in the near-future.

State of Florida general comments on WOTUS:

- The 2015 Rule was problematic and gave rise to uncertainty.
- The agencies should rely on cooperative federalism going forward.
- Agriculture in Florida depends on man-made and highly managed canals and structures for flood control and water supply; the State supports clarifying drainage ditches, canals, and exclusions.
- Florida's unique local circumstances and topography means one size does not fit all.
- Florida's authorities are far broader than WOTUS and programs are very comprehensive, including the wetlands program.

State of Florida's Specific WOTUS New Rule Recommendations:

- Support adhering to the plain language of the Clean Water Act as the basis for a new rule.
- Support implementing the Scalia opinion.
- Ensure that the Nation's waters are protected while providing regulatory certainty.
- Support navigable in-fact but recognizes that "some waters beyond should be included."
- Support clear continuous surface connection between the navigable waters and the subject water.
- Does not support "significant nexus" to be determined on a case-by-case basis; does not support a fixed limit or distance.
- Assert that the connectivity report does not provide rationale for regulating all waters; there are legal and constitutional constraints.

Human Health Criteria:

- In 2016, FDEP updated its human health water quality criteria using a new approach. The proposed approach resulted in less stringent criteria for some parameters and more stringent criteria for others.
- Region 4 and EPA Headquarters (HQ) have been actively involved in reviewing and commenting on each proposal FDEP has put forward. The EPA reviewed FDEP's latest technical support document explaining the rationale behind their human health criteria and had no additional comments.
- The proposed revision resulted in numerous concerns from the public, and was challenged legally by the City of Miami, the Seminole Tribe of Florida, and the Pulp and Paper Association in the Florida Division of Administrative Hearings.

- FDEP recently withdrew the proposed criteria, and has announced that it intends to work with the Seminole Tribe of Florida and the Miccosukee Tribe of Indians of Florida to gather additional data to develop the criteria. EPA will continue to work with the State and interested stakeholders on future actions related to these water quality standards.

Turkey Point Nuclear Power Plant:

- The Turkey Point Nuclear facility is owned and operated by Florida Power and Light (FPL). The plant, situated on the shore of Biscayne Bay, is planning an expansion to add two more reactors to the two reactors and one natural gas power plant that are already operating there.
- The existing reactors and natural gas plants utilize a 6,000 acre cooling canal system as a “radiator” to cool water used by the reactors and natural gas plants. Although it was expected that the unlined cooling canals would leach cooling water in the groundwater below the facility, the cooling water, which contains low levels of selenium and other pollutants, is migrating west towards public drinking water well systems, and east under Biscayne Bay.
- Florida Power has entered into consent agreements with FDEP and Dade County to address the groundwater issues. The EPA commented on the final Environmental Impact Statement (EIS) in December 2016 for the plant expansion and provided comments raising concerns about the groundwater impacts, facility siting and the failure to not comprehensively look at the cumulative effects of the entire facility, not just the new nuclear reactors.
- The Nuclear Regulatory Commission held a hearing in December 2017 so that NRC and Florida Power and Light could provide a Safety and Environmental presentation to the NRC Commissioners before NRC approves the Combined Operating License (COL) for the facility.
- The Southern Alliance for Clean Energy, Friends of the Everglades, and Tropical Audubon Society filed a lawsuit for alleged Clean Water Action violations of discharging contaminated water to groundwater and Biscayne Bay. In Nov 2017, a federal judge denied FPL’s motion to dismiss the suit and scheduled a trial to May 29, 2018.

Everglades Agricultural Area (EAA) Reservoir (State sponsored project):

- Last year, the Florida Legislature passed Senate Bill 10, sponsored by Senate President Joe Negron (R, Stuart) that authorized and began the planning process for the EAA Reservoir. The reservoir is located south of Lake Okeechobee, and its goal is reducing discharges to the estuaries and sending more water to the Everglades as part of the Comprehensive Everglades Restoration Plan (CERP.)
- The proposed new reservoir would store 240,000 acre-feet of water on about 14,000-acre site comprised of South Florida Water Management District-owned lands. These lands are currently leased to agriculture, mostly sugar production. SFWMD is seeking willing sellers to increase the site to 17,000 acres.
- EPA supports the stated purpose of further improving the quantity, timing, quality and distribution of water flows from Lake Okeechobee to the Caloosahatchee and St. Lucie

Estuaries, the Greater Everglades, Everglades National Park and Florida Bay while maintaining flood control and water supply needs.

EPA's FY2019 Budget Request:

- The President's FY19 budget request seeks more than \$6.1 billion for EPA – an increase from last year's request of \$5.65 billion. While almost a \$2 billion reduction from current funding levels, we recognize that Congress ultimately has the power of the purse and will respect their direction.
- Congress raised budget caps last month as we were releasing the budget, so we anticipate resources there, although Congress is yet to establish exactly how much, if any, of those freed-up dollars will come to EPA. (They're yet to set "302(b) levels" for budget experts in the room.)
- The FY19 Budget Request includes \$597 million in funding for State and Tribal Assistance Categorical Grants in direct support of these partners.
 - Includes \$27 million for the Multipurpose Grant program to provide greater flexibility to our partners in implementing environmental programs. The Agency will continue to advance cooperative federalism by working with states and tribes to target core grant resources and provide needed flexibility to address their specific priorities.

Don't raise it, but you may get questions on eliminated programs.

- **ELIMINATED:** South Florida Geographic Program (FY18: \$1.6 mil, 1.4 FTE). This leads special initiatives and planning activities in South Florida. We encourage state, tribal, and local entities to continue this work within core water programs. (Stress we had to make challenging decisions to do less with more, but always respect Congressional direction. Paige note: I bet this ends up funded.)
- **ELIMINATED:** Beach / Fish Programs (FY 18: \$1.6 mil, 3.8 FTE). This program provides science, guidance, technical assistance and information on the human health risks associated with eating locally caught fish/shellfish with excessive levels of contaminants, as well as beach monitoring and notification programs. We're encouraging states to continue this work within ongoing core programs.
- **ELIMINATED:** Categorical Grant for Beaches Protection (FY18: \$9.4 mil, 0 FTE). Grants under the BEACH Act continued development and implementation of coastal recreational water monitoring and public notification programs. After 17 years of guidance and financial support, state and local governments now have the technical expertise to continue without federal support.

Other Budget Issues:

- Workforce Levels: At the start of February, EPA's onboard level from the HR rosters adjusted for part-time employees was 14,171.5. At the start of this fiscal year the level was 14,420.5. This is the lowest level since 1988 which was 14,442.
- People have asked about re-orgs. We conduct reorganizations in consultation with Congress and are looking for ways to better serve the American public. (Not really a budget issue, but they seem to come to us, especially since there's the requirement to notify our appropriators before reorganizing. I doubt its raised by this group.)

Clean Power Plan:

- The CPP was problematic from both a legal and technical perspective: It required actions that extended beyond the fence line of power plants and assigned broad sweeping assumptions that did not reflect the true diversity of our nation's energy mix.
- EPA is holding listening sessions on its October 2017 proposal to repeal the Clean Power Plan; the next (and final) one is in Wyoming on March 27.
- On December 28, 2017, EPA published an Advance Notice of Proposed Rulemaking on what a replacement rule should include.
- February 26, 2018 – public comment period closed for the ANPRM
- A number of stakeholders and states, including Texas and Wyoming, requested an extension of the comment period for the ANPRM.
- We did not extend the comment period because we are committed to expeditiously moving forward with the forthcoming proposed rule.
- When the proposed rule is published, stakeholders will have the opportunity to submit additional comments.
- Important to any potential next regulatory step is respect for carefully crafted statutory limits and adherence to the principles of cooperative federalism.

PM 2.5 Designations:

- This action will establish the initial air quality designations for the 2012 PM2.5 national ambient air quality standard for counties in Florida where these designations were deferred.
- On December 18, 2014, when the EPA established the initial designations for most areas of the country, EPA deferred taking action on all counties in the state of Florida because it could not determine using available air quality data whether the areas were meeting or were not meeting the NAAQS, but for which forthcoming data would likely result in complete and valid data needed to determine a designation.
- On August 30, 2016, EPA designated 62 of 67 counties in Florida as attainment based on data from 2013-2015. Following the August 30, 2016, designation action, five counties remained deferred in Florida due to continued air quality data issues (the 5 counties are: Alachua, Broward, Gilchrist, Miami-Dade, Palm Beach). Alachua and Gilchrist are in Central Florida; the remaining 3 counties are in South Florida.

- After 2017 data are certified by the State of Florida, EPA expects to have sufficient data to designate the remaining deferred counties in Florida based upon data from 2015-2017. Expected timing for final designations: Summer 2018.

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 3/23/2018 10:09:14 AM
To: Beach, Christopher [beach.christopher@epa.gov]
Subject: Fwd: Backgrounders/Talking Points for CA/WY
Attachments: CA.Airmap.pdf; ATT00001.htm; CA.Airmap2.pdf; ATT00002.htm; CA and WY Air TP's.docx; ATT00003.htm; CA and WY Water T'P's.docx; ATT00004.htm; CA.WY. Talking points on S1140.Water.DOCX; ATT00005.htm; CA WY OCSP TP's.docx; ATT00006.htm; Region 9 MarchARB.docx; ATT00007.htm; Region 9 Superfund Orange Co North Basin March 2018.docx; ATT00008.htm

Begin forwarded message:

From: "Bennett, Tate" <Bennett.Tate@epa.gov>
Date: March 22, 2018 at 4:25:53 PM EDT
To: "Ferguson, Lincoln" <ferguson.lincoln@epa.gov>, "Hupp, Millan" <hupp.millan@epa.gov>, "McMurray, Forrest" <mcmurray.forrest@epa.gov>, "Kundinger, Kelly" <kundinger.kelly@epa.gov>
Cc: "Jackson, Ryan" <jackson.ryan@epa.gov>, "Gordon, Stephen" <gordon.stephen@epa.gov>, "Lyons, Troy" <lyons.troy@epa.gov>, "Palich, Christian" <palich.christian@epa.gov>, "Ringel, Aaron" <ringel.aaron@epa.gov>, "Daniell, Kelsi" <daniell.kelsi@epa.gov>, "Sarah Greenwalt" <greenwalt.sarah@epa.gov>, "Dravis, Samantha" <dravis.samantha@epa.gov>, "Bolen, Brittany" <bolen.brittany@epa.gov>, "Letendre, Daisy" <letendre.daisy@epa.gov>
Subject: Backgrounders/ Talking Points for CA/WY

Lincoln and Advance:

For the Admin's binder- please see attached talkers prepared by the programs for the Admin's travel next week. Stephen will follow-up with memos for each event next week. No small task as it's a busy week!

Tate

Elizabeth Tate Bennett
Associate Administrator for Public Engagement & Environmental Education
Office of the Administrator
U.S. Environmental Protection Agency
(202) 564-1460
Bennett.Tate@epa.gov

TALKING POINTS

California and Wyoming

Water Infrastructure Finance and Innovation Act (WIFIA):

- In the past year EPA's Water Infrastructure Finance and Innovation Act (WIFIA) program has made significant progress toward providing credit assistance.
- In July 2017 we invited 12 projects in nine states to apply for loans, including several projects in California:
 - a groundwater replenishment system expansion project in Orange County;
 - a purified water production project in San Diego;
 - a water reclamation facility project in Morro Bay; and,
 - a biosolids digester facility project in San Francisco.
- These projects are expected to leverage more than a billion dollars in private capital and other funding sources to support a total of \$5.1 billion in water infrastructure investments.
- We are working to finalize these loans.
- EPA intends to open another funding round when sufficient appropriations become available.
- EPA's FY2019 proposed budget includes \$20 million for WIFIA.

State Revolving Funds (SRF):

- Since 1987 the Clean Water State Revolving Fund and Drinking Water State Revolving Fund has provided more than \$160 billion in low-interest loans to more than 52,000 state and local water infrastructure projects.
- Today these state-run programs operate with almost \$60 billion in program equity that will continue to be available to support sustainable lending programs.
- The Funds enable states and technical assistance providers to help water systems develop technical, managerial and financial capacity necessary to operate and maintain their drinking water infrastructure under below market interest loans.
- The President's Infrastructure Plan promotes the expanded use of the State Revolving Loan Funds and EPA's FY2019 proposed budget includes \$2.26 billion for the State Revolving Funds.

American Iron and Steel (AIS):

- The American Iron and Steel provision requires Clean Water State Revolving Fund and Drinking Water State Revolving Fund assistance recipients to use iron and steel products that are produced in the United States. This requirement protects American manufacturing jobs, supports communities and creates local construction jobs.
- In rare instances, certain circumstances demand that communities request waivers to purchase a product that is not available from American manufacturers.
- When EPA receives a waiver request for the American Iron and Steel requirements, the agency completes an extensive review of the documentation and justification provided, including taking public comment.

Waters of the U.S. (WOTUS):

- The EPA and the Department of the Army are working through a two-step process to consider revisions to the definition of "Waters of the United States."

- On January 31, 2018, the two agencies finalized a rule to change the applicability date of 2015 WOTUS rule to February 6, 2020. Given the uncertainty about litigation in multiple district courts over the 2015 Rule, this action provides much needed certainty and clarity to the regulated community during the ongoing regulatory process.
- **Step One:** On June 27, 2017, the agencies proposed a rule to rescind the 2015 rule and re-codify the prior regulations. The agencies are reviewing the more than 650,000 comments received.
- **Step Two:** The agencies are continuing efforts to consider revisions of the definition of “waters of the United States,” consistent with the President’s February 2017 Executive Order.
- **Next steps:** The agencies have received a lot of feedback from the ongoing federalism and tribal consultation process and from the series of public meetings asking for pre-proposal recommendations on a revised definition.
- We will use all of the valuable input we are receiving through this process as we work to finish our proposed step 2 rulemaking, which we hope to send to OMB soon.
- There may be some opportunities for additional engagement while we are in interagency review, and we anticipate continuing to engage throughout a public comment period once the new definition is proposed.

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Pesticide General Permit (PGP):

- As a result of the Jan 7, 2009, U.S. Sixth Circuit Court of Appeals decision, an NPDES permit is required whenever pesticides are applied directly to jurisdictional waters.
- EPA issued its first NPDES Pesticide General Permit (PGP) on Oct 2011, and reissued the permit on Oct 2016.
- The EPA’s PGP is available to Operators in areas where the EPA is the NPDES permitting authority, which includes four states (Idaho, Massachusetts, New Hampshire, and New Mexico),

Washington, D.C., all U.S. territories except the Virgin Islands, most tribal lands, and federal facilities in four additional states (Colorado, Delaware, Vermont, and Washington).

- Forty-six states and the Virgin Islands have NPDES permitting authority and have developed their own PGP, largely using the EPA PGP as a model.
- The provisions in the permit for pesticide applications during emergencies have been successfully implemented. Operators are submitting their notices of intent (NOIs) for coverage, and their annual reports, on time to the Agency.
- Several bills have been introduced in the Senate and the House which would amend FIFRA and the Clean Water Act to not require NPDES permits for the use of pesticide, biological control organism or any other pest control activity that is registered, authorized or conducted in accordance with FIFRA. EPA has provided technical assistance to Congress on the language in these bills.
 - H.R. 953 – Reducing Regulatory Burdens Act of 2017 passed the house on May 2017.
 - S. 340 - Which is similar H.R. 953, but also requires a report to Congress was introduced on Feb 2017.
 - More recently, Sen. Barrasso proposed draft legislation, the Agriculture Creates Real Employment (ACRE) Act, which includes language identical to S.340.

Talking points on S. 1140
Introduced by Senator Barrasso

Overview of S. 1140 “Federal Water Quality Protection Act

- Establishes principles and processes to guide promulgation of a regulatory definition of “waters of the US,” particularly emphasizing the principle of cooperative federalism and consistency with the Executive Order on infrastructure and expediting permitting review.
- The bill identifies types of waterbodies that should be included and excluded, and that CWA is intended to protect traditional navigable waters (TNWs) from pollution.
- Requires that rulemaking follow federalism consultation, SBREFA, and perform other analyses regardless of whether statutory thresholds are met.
- Requires agencies to discuss alternatives with states and political subdivisions before proposing a definition.
- Requires the agencies to provide a report to the committee prior to proposal and three years after promulgation of the final rule.

Talking Points

- The EPA and Army Corps are pursuing a two-step process for responding to the February 2017 Executive Order:
 - Step 1: Propose to rescind the 2015 rule and re-codify the prior regulations
 - Step 2: Initiate a rulemaking process to reconsider the definition of “waters of the U.S.” consistent with the February 28, 2017, E.O.
- Cooperative federalism is a key principle for this rulemaking effort. The agencies are very interested in finding a balance between federal and state roles, consistent with the Constitution, the Clean Water Act, and relevant Supreme Court cases.
- The Agencies conducted Federalism consultation in spring 2017, and most recently held a workshop with senior state environmental and agriculture officials to discuss how the agencies could define “waters of the U.S.,” particularly focused on tributaries, wetlands, and what waters should be excluded from the definition.
- The EPA was pleased that representatives from Wyoming participated in this workshop and provided feedback that this form of engagement was what they have been seeking and they look forward to more opportunities in the future.
- With the important input from state co-regulators, as well as a wide range of stakeholders, the agencies are working expeditiously to propose a revised definition of “waters of the U.S.” for public comments.

From: Lovell, Will (William) [lovell.william@epa.gov]
Sent: 3/6/2018 6:00:57 PM
To: Bolen, Brittany [bolen.brittany@epa.gov]
Subject: RE: ELG Talking Points
Attachments: EPA EO 13783 Draft Final Report.docx

Effluent Limitations Guidelines for Oil & Gas

On June 28, 2016, the EPA issued a final rule, “Effluent Limitations Guidelines and Standards for the Oil and Gas Extraction Point Source Category.” This rule established pretreatment standards to prevent the discharge of pollutants in wastewater from onshore unconventional oil and gas extraction facilities to publicly owned treatment works (POTW).^[1] Affected domestic energy resources include oil and natural gas.

Status: The EPA’s rule record indicated that all unconventional oil and gas facilities were already meeting the zero discharge requirement – through underground injection, recycling, reuse, and transfer to centralized waste treatment facilities. Hence, the final rule was not projected to affect current industry practice or to result in incremental compliance costs.

After promulgation, the EPA received information from a coalition of Pennsylvania oil and gas operators indicating that some of the operators were discharging unconventional oil and gas wastewater to POTWs at the time of the final rule. These operators extract from formations that are considered “conventional” under Pennsylvania law but would be considered “unconventional” under the EPA’s rule, which would subject them to the prohibition on discharge into POTWs. These operators did not comment on the proposed rule. Based on this new information, the EPA issued a rule in December 2016 extending the compliance deadline for three years until August 29, 2019, for facilities sending wastewater to POTWs at the time of the final rule.^[2]

On November 18, 2016, the Pennsylvania Grade Crude Oil Coalition (the same coalition of Pennsylvania oil and gas operators) filed a petition for review in the Third Circuit. On June 15, 2017, the Pennsylvania Grade Crude Oil Coalition filed suit in the Third Circuit regarding the rule’s definition of an “unconventional” operation.

In response to the EPA’s request for comments regarding the Administration’s regulatory reform agenda under EO 13777, industry associations asked that the Agency undertake a review of fracking wastewater management technologies and to consider revisions to the ELG based on the review.

Actions under the Trump Administration: The EPA is considering whether to review the 2016 ELG for Oil & Gas to determine if it has appropriately defined “unconventional” oil and gas extraction facilities and whether fracking wastewater management technologies should be included in a technology evaluation.

From: Bolen, Brittany
Sent: Tuesday, March 6, 2018 11:50 AM
To: Lovell, Will (William) <lovell.william@epa.gov>
Subject: Fwd: ELG Talking Points

^[1] 81 Fed. Reg. 41845 (June 28, 2016).

^[2] 81 Fed. Reg. 88126 (December 7, 2016).

Sent from my iPhone

Begin forwarded message:

From: "Beach, Christopher" <beach.christopher@epa.gov>
Date: March 6, 2018 at 10:22:11 AM EST
To: "Bolen, Brittany" <bolen.brittany@epa.gov>
Cc: "Bennett, Tate" <Bennett.Tate@epa.gov>
Subject: ELG Talking Points

Hi Brittany, Tate and I are working on the Admin's pocket card for his IPAA meeting tomorrow. Could you send us some ELG talking points to include?

Thanks!

Chris

Message

From: Hale, Michelle [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CB99F5247AB8412FA017133839301FEE-HALE, MICHE]
Sent: 2/27/2017 10:18:59 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: FW: Farm Bureau speech notes
Attachments: Farm Bureau Advocacy Conference.docx; FB notecard.docx

From: Konkus, John
Sent: Monday, February 27, 2017 5:18 PM
To: Hale, Michelle <hale.michelle@epa.gov>
Subject: RE: Farm Bureau speech notes

From: Hale, Michelle
Sent: Monday, February 27, 2017 5:15 PM
To: Konkus, John <konkus.john@epa.gov>
Subject: Farm Bureau speech notes
Importance: High

Could you please email me the notes?

Michelle Hale
Executive Assistant to the Administrator
Environmental Protection Agency
1200 Pennsylvania Ave., NW,
WJCS, Suite 3000
Washington, D.C. 20460
(202) 564-1430

Confidentiality Warning: This message and any attachments are intended only for the use of the recipient(s), are confidential, and may be privileged. If you are not the intended recipient, you are hereby notified that any review, retransmission, conversion to hard copy, copying, circulation or other use of all or any portion of this message and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender immediately by return email and delete this message and any attachments from your system.

Farm Bureau Advocacy Conference

Tuesday, February 28, 2:00 p.m.

Help Has Arrived/A New Beginning

- Most of us, especially parents of children who play sports, have had to call 911 for emergency medical assistance.
- You know that feeling of relief when the ambulance finally arrives?
- Well today, farmers across America, I'm here to tell you, help has arrived.

WOTUS Action

- This morning I joined President Trump at the White House as he signed an Executive Order directing the EPA and Army Corps of Engineers to reconsider the Waters of the U.S. rule and provide clarity on how to apply the Clean Water Act.
- When I returned to my office and before I came this meeting, I took the steps necessary as EPA Administrator to immediately implement the Executive Order.
- EPA will submit a Notice of Proposed Rule Making with a 30-day comment period and final rule withdrawing the Clean Water Rule definition of "waters of the united states."

- My friends, help has arrived.

A New Beginning

- Today is a new beginning for the Environmental Protection Agency and the way we work with you our partners.
- No one values clean air and clean water as much as American farmers.
- The Farm Bureau ought to have a tremendous amount of input on issues that effect our air and water.
- It's time for a new beginning where Farm Bureau and others who have been left on the sidelines during major policy decisions, once again have a voice in their government.

Listen/Learn/Lead

- When I took over EPA exactly one week ago today, I told the staff that our Agency would do three things: listen, learn and lead.
- There is no better example of this than how the President and I approached our decision on WOTUS.
- Farming families all across America and in my state of Oklahoma told us unequivocally last year that WOTUS would hurt small businesses and further harm family farmers, who already face unwelcome, and in my opinion, unconstitutional federal regulation.

- EPA not only failed to listen to concerned farmers, ranchers and business owners around the country in crafting its new rule, but actually managed to make the final rule worse than anticipated.

The Role of Regulators

- It is not the job of the EPA or any federal agency to make things more difficult for American citizens.
- It's our job as regulators to make things regular. To bring certainty and to develop wise policies working in coordination with Americans, not behind their backs.

A Seat at the Table

- From this point forward, Americans, farmers, small business owners, you have a seat at the table of government.
- American farmers, your new government leaders are listening and learning from you, for a change, and today we acted on your behalf.
- My friends, help has arrived, today is a new beginning

Benjamin Franklin

- As I said a moment ago, I just arrived at EPA last week.
- When I arrived in my new office I was greeted by a very large painting of Benjamin Franklin.

- You see, the office building that houses EPA today, was the office of the Post Master General.
- Franklin, as you know, was the first Post Master General, he was also a gentleman farmer and one of the wisest men to every live.
- Let me leave you with this quote from Ben Franklin, “He that cannot obey, cannot command.”
- We have a new Commander-in-Chief in the White House and in me at EPA.
- We will listen to and obey the will of the American people and of the states where they live.

Ending

- Help has indeed arrived, it’s a new beginning and I’m very happy that you will once again play an important role in our government.

THEME: Restoring Trust and Cooperation

Aristotle said, “friendship is the heart of partnership.”

WOTUS: ACTION TAKEN...THE CAVALRY HAS ARRIVED

- Under WOTUS government has claimed the right to regulate every ounce of standing water.
- A bipartisan majority in the 114th Congress rejected the WOTUS rule with the passage of a resolution under the Congressional Review Act in January 2016.
- The WOTUS rule never went into effect because 32 states sued EPA challenging the rule and 2 courts granted a stay. On Oct 9, 2015, the 6th Circuit applied the stay nationwide to the WOTUS rule.
- American landowners and companies already spend \$1.7 billion every year on wetlands permits.
- The President has directed the EPA and the Army Corps of Engineers to not only reconsider the Waters of the U.S. rule, but has provided clarity on how to apply the Clean Water Act.
- This action preserves a federal role to protect the nation’s water quality. However, this also restores States’ role and States’ regulation of water.

RESTORING COOPERATION

- Regulations make things regular.
- How our environmental laws are supposed to work...COOPERATIVE FEDERALISM & COOPERATING WITH AMERICAN PEOPLE – FARMERS.
- Proper role – fulfilling its original mission of protecting our environment through rules passed by Congress.
- States and groups like the Farm Bureau have a primary role (experience, expertise and ability) to create and in the case of states, enforce and oversee effective regulatory regimes to protect air, water and land.
- To achieve cleaner air/water – states and organizations like this one must be partners rather than mere vessels of federal will or altogether ignored.

RESTORING TRUST

- Farmers, ranchers and landowners want clean air and clean water as much as anyone else
 - Their businesses & livelihoods depend on it.
- After all, we live in & raise our families in these communities and naturally have an incentive to ensure the processes work.

HONORING THE PRESIDENT’S COMMITMENTS

- As he proved today, the President has promised to address overreaches through regulations like Waters of the U.S. and the Clean Power Plan.

END: Today we dealt with WOTUS. You may hear something more soon. The cavalry has arrived.

Message

From: Cory, Preston (Katherine) [Cory.Preston@epa.gov]
Sent: 7/14/2017 9:11:01 PM
To: McMurray, Forrest [mcmurray.forrest@epa.gov]
Subject: FW: WOTUS Roundtable invitees
Attachments: WOTUS TopLine - plus Utah Minn Ark.docx

Revised topline talking points- in lieu of WOTUS one I sent earlier

From: Letendre, Daisy
Sent: Friday, July 14, 2017 5:10 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>
Subject: RE: WOTUS Roundtable invitees

Preston, here is the supplemental for the meeting with the governor. Additionally I've added it into the document attached.

Regional Haze

- The Regional Haze Rule implements sections 169A and 169B of the Clean Air Act by setting out the requirements that states must follow when submitting plans to protect visibility in 156 national parks and wilderness areas.
 - There are **five** national parks in Utah and **31** national wilderness areas
- Last June the Obama EPA disapproved of a portion of Utah's regional haze SIP and adopted a FIP to meet the requirement for NOx for two power plants
- EPA is now initiating the process to open the FIP so that Utah can replace that with a SIP that better reflects local needs
- EPA is working with Utah and providing proactive technical support to insure that Utah is set up for long-term success

Tribal NSR FIP

- On the Uintah (yoo-in-tah) and Ouray (or-ray) (U&O) Reservation, oil and natural gas minor source permits are currently being issued under the National Oil and Natural Gas Federal Implementation Plan (FIP).
 - However, if the Uinta Basin is designated nonattainment for the 2015 ozone NAAQS, the National Oil and Natural Gas FIP will no longer apply
 - Areas designated as nonattainment are required to submit a SIP that demonstrates emissions reductions to bring the area into compliance with the NAAQS.
 - Industry representatives and the Ute Indian Tribe have emphasized that EPA should develop a mechanism to allow EPA to continue to issue minor source permits after nonattainment designation.
- Utah has jurisdictional responsibility for the lands outside of Indian Country, where approximately 90 percent of the population is located. Normally, the State regulates oil and gas emissions via NSR

From: Bennett, Tate
Sent: Friday, July 14, 2017 2:55 PM
To: Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Letendre, Daisy <letendre.daisy@epa.gov>
Subject: FW: WOTUS Roundtable invitees

Schedule for Utah. No major changes but wanted to flag for Amy for press purposes. Daisy - see talking points

From: Alan Matheson [<mailto:amatheson@utah.gov>]

Sent: Friday, July 14, 2017 2:49 PM

To: Bennett, Tate <Bennett.Tate@epa.gov>; Justin Harding <jharding@utah.gov>; Stewart, Cody <codystewart@utah.gov>; Fran Stultz <fstultz@utah.gov>

Subject: Re: WOTUS Roundtable invitees

Tate,

The plans are progressing well. Invitations to the round table and tour are being sent now.

The plan at this point is as follows:

8:30 -- begin tour. Participants will meet at the east doors of the Capitol to load into vans and depart for Snyderville Basin. The Governor and Administrator will travel separately with security.

9:20 -- Meet at Bittner Ranch for overview of tour. We have three stops planned in close proximity. No walking required. We will be sending a detailed itinerary with Google map views of the sites, photos and a brief description of the sites.

10:15 -- Leave Snyderville Basin to return to the Capitol

10:45 -- Arrive at State Capitol

11:00 -- Meeting with Governor and senior staff in the Governor's Conference Room (among other things, we'd like to discuss Gold King Mine (with Attorney General Sean Reyes), regional haze, and the Tribal NSR FIP.)

12:00 -- Lunch and round table meeting in the Capitol Board Room. After the Administrator's opening remarks, Erica Gaddis (Director, Division of Water Quality) will give a very brief overview of Utah-specific WOTUS issues, followed by discussion as directed by the Administrator.

1:30 -- Media availability

2:00-- Wrap up

WOTUS Top-Line Talking Points

EPA Actions:

- On June 27, EPA with Department of the Army and Army Corps of Engineers proposed a rule to rescind the 2015 WOTUS rule and re-codify the regulatory text that existed prior and reinstate the status quo
- This was step one of a two-step process
 - The next step is a rulemaking to revise the definition of Waters of the U.S. and the agencies have also begun deliberations and outreach on the second step rulemaking involving a re-evaluation and revision of the definition of "waters of the United States"
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Why is EPA Action Necessary:

- Reviewing the WOTUS rule is a top priority of the administration
 - In 2015 the Obama Administration reinterpreted what is considered a "navigable water" under the Clean Water Act (CWA)
 - the definition was expanded so broadly that it included waters like drainage ditches, puddles, wetlands, water features on golf courses and runoff.
 - The 2015 rule created so much regulatory uncertainty that more than half the states (27) challenged EPA in court on the basis that the rule violated the Constitution, the Clean Water Act and the Administrative Procedure Act
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 - Cost and burden to obtaining permits build fences, spray fertilizer, dig ditches, etc

Defining WOTUS:

- As written, the Clean Water Act does not define what "Waters of the U.S." means, EPA and the Department of the Army do
- While the Obama Administration had the ability to redefine WOTUS, they went too far and ultimately the courts found the definition to be on legally questionable ground.
 - The 2015 rule was stayed by 6th Circuit Court of Appeals as a result
- EPA and the Administration are committed to keeping waters pollution free, promoting economic growth and minimizing regulatory uncertainty for Congress, state, local and tribal government as well as farmers, ranchers and property owners.
 - The 2015 definition did none of the above

WOTUS Tour – *Salt Lake City, Utah → Minneapolis, Minnesota → Little Rock, Arkansas*

Salt Lake City, Utah

WOTUS

- June 20, 2017 – AG Reyes joined a 20-state coalition in requesting EPA preserve the role of the states in protecting the nation's water sources.
- 80% of Utah's developed water is used for agriculture, an industry that generates \$17.5 billion representing about 14% of the state's economy¹
- Utah boasts 18,200 farms, covering 11 million acres of land, with the average farm size totaling 677 acres.

¹ Utah Farm Bureau via [HYPERLINK "<http://thecountyseat.tv/redefining-waters-of-the-united-states-wotus/>"]

- The economic impact of farming in Utah is \$1.8B annually ²

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Minneapolis, Minnesota

WOTUS

- The Minnesota Farm Bureau has submitted comments on the 2015 WOTUS rule, their specific concerns are
 - The rule would make remote landscape features that carry only minor volumes of water (if any) or only carry water after a weather event subject to CWA jurisdiction, including ditches and ephemeral drainages.
 - The 2015 rule uses the unclear concept of ordinary high water mark, as well as bed and bank, as the key identifiers for tributaries.
 - This would include land with only subtle changes in elevation, where any land where rainwater naturally channels as it flows downhill
 - The proposed rule suggests that other waters could be connected even if they are located in different landforms, have different elevation levels and have different soil and vegetation characteristics as long as they “perform similar functions” and are located “sufficiently close” to a traditional “water of the United States.”
- In addition to the formal comments submitted by MFBF, 13 county Farm Bureaus in Minnesota submitted comments, nearly 500 comments were submitted by members in response to calls to action by MFBF and 1,800 signatures from Minnesotans were delivered to EPA opposing the rule.

² National Agricultural Statistics Service via [HYPERLINK "<http://www.farmflavor.com/utah-agriculture/>"]

- The ag industry in Minnesota provides more than 340,000 jobs for Minnesotans. Altogether, the industry contributes \$75 billion to the state's economy annually.³
- In Minnesota, 38% of stream miles within native trout historical range are classified as intermittent or ephemeral. 59% of stream miles are in headwater streams. In the Whitewater River basin, 74% of streams are intermittent while 60% are headwaters.⁴

Clean Power Plan/Paris Climate Agreement

- Governor Dayton signed onto the U.S. Climate Alliance, a coalition launched after Trump announced that he plans to withdraw the United States from the Paris climate accord
- The alliance suggests that in the U.S. the fight against global warming will come from local governments, academia and industry
- The alliance was formed by Governors Jay Inslee of Washington, Andrew Cuomo of New York and Edmund Brown Jr. of California — states that have their own carbon-reduction strategies.
- Minnesota is one of 10 additional states that signed on, pledging to reduce emissions 26 to 28 percent from 2005 levels
- Two Republican Governors – Charlie Baker (MA) and Phil Scott (VT) have signed

Little Rock, Arkansas

- Governor Hutchinson and AG Leslie Rutledge both praised this administrations action to roll-back the 2015 WOTUS rule
- Rutledge joined the lawsuit with 12 other states in suing EPA over the 2015 rule
- The WOTUS rule would have harsh effects on the economy of Arkansas considering that agriculture is the state's number one industry contributing more than \$20B annually to the state's economy⁵
- Arkansas ranks 14th in cash receipts from farm markets, with a total of 4,973,164 harvested acres
- Nationally, Arkansas is #1 in rice and poultry production; #5 in sorghum, grain; #6 in cotton and #8 in soybeans and grapes

³ Minnesota Dept. of Agriculture via [HYPERLINK "<http://www.farmflavor.com/minnesota-agriculture/>"]

⁴ Trout Unlimited via US Geological Survey [HYPERLINK "http://www.tu.org/sites/default/files/minnesota_wotus.pdf"]

⁵ Arkansas Ag Department via [HYPERLINK "<http://www.farmflavor.com/arkansas-agriculture/>"]

Message

From: Cory, Preston (Katherine) [Cory.Preston@epa.gov]
Sent: 7/14/2017 8:18:11 PM
To: McMurray, Forrest [mcmurray.forrest@epa.gov]
Subject: FW: Talkers
Attachments: WOTUS TopLine - plus Utah Minn Ark.docx

For the binder

-----Original Message-----

From: Letendre, Daisy
Sent: Friday, July 14, 2017 12:35 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Cory, Preston (Katherine) <Cory.Preston@epa.gov>
Subject: RE: Talkers

Alrighty - let me know if you want me to adjust the formatting or add to this.

-----Original Message-----

From: Letendre, Daisy
Sent: Friday, July 14, 2017 11:22 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Cory, Preston (Katherine) <Cory.Preston@epa.gov>
Subject: RE: Talkers

Finishing up soon! Byron is handling gold king mine for Utah and one other one pager (something RJ asked for - not sure exactly on what) but he's giving both of these directly to advance for binders

-----Original Message-----

From: Bennett, Tate
Sent: Friday, July 14, 2017 10:35 AM
To: Letendre, Daisy <letendre.daisy@epa.gov>
Cc: Cory, Preston (Katherine) <Cory.Preston@epa.gov>
Subject: Talkers

Send us what you have when you have it!

Sent from my iPhone

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